

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 266

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, April 2, 2002
Tuesday, 9:00 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Dr. Nabil Seyam, Muslim Community Center, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of March 19, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS Proclamations previously approved were presented.

GFOA EXCELLENCE GFOA Certificate of Achievement for Excellence in Financial Reporting was presented.

PUBLIC AGENDA

Jason Shellenberg – Mental Illness Discrimination.

Mr. Shellenberg was not present.

Tamara Grunder – Water Fluoridation.

Tamara Grunder Tamara Grunder spoke regarding a college project on water fluoridation.

UNFINISHED BUSINESS

PAVING ASSMTS. PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR PROJECTS IN JULY 2002 BOND
(Item No. 7) SALE SERIES 770.

(Continued from March 19, 2002)

a) (490-689/765578/472-83062) - Improving of 135th Street West, from a point ½ mile north of U.S. Highway 54 north to Maple, (south of Maple, west of 119th Street West).

Mike Lindebak City Engineer reviewed the Item.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 267

- Robert Russer Robert Russer spoke against the proposed assessments and said the costs of the s-curve, and turn lanes for commercial additions and the golf course should be assessed to the golf course. Original assessment estimates were at a much lower amount. Baughman company did not understand the project.
- Mike Lindebak City Engineer said the nature of the construction is as originally petitioned. All turn lanes were assessed to commercial properties. The condition of the roadway is as it was at the time the lots were platted. Baughman designed and did understand the project. All costs are in accordance with the petitions.
- Motion -- Martz moved that the assessments be approved and the Ordinance be placed on first reading. Motion -- carried

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 135th Street West, from a point ½ mile north of U.S. Highway 54 north to Maple (Project No. 490-689/765578/472-83062), introduced and under the rules laid over.

b) (490-735/765624/472-83193) Improving of Taft Court, from the north line of Taft to and including the cul-de-sac (south of Maple, east of 119th Street West).

- Mike Lindebak City Engineer reviewed the Item.
- Mayor Knight Mayor Knight inquired whether anyone wished to be heard.
- Brandon Lee Brandon Lee said the property owners were not familiar with the process. The bids were twice the petition amount. Some property owners lost property and some gained. The home-owners were left out of the design process and were left to deal with what was decided by the City.
- Motion -- Martz moved that this Item be deferred two weeks to obtain additional background information. -- carried

(The Council took up Time-Certain Item No. 7. Action is shown in Agenda order.)

NEW BUSINESS

ORME STREET

ORME FROM OLIVER TO I-35 - KTA. (District II)

- Mike Lindebak City Engineer reviewed the Item.
- Agenda Report No. 02-1192
- On June 10, 1997, the City entered into an agreement with Cook Flatt and Stroble to begin preliminary design on East Kellogg, from Edgemoor to K-96. The design effort began using the Design Concept prepared by HNTB in 1990.
- Several business owners along Kellogg expressed concern with the one-way frontage road system that will be implemented with the freeway project. In the fall of 1999 Staff put together a panel to address the concerns of the business owners. The panel consisted of senior design professionals from several consulting firms involved with freeway designs throughout the United States, as well as professional staff from the Federal Highway Administration and the Kansas Department of Transportation.
- One of the recommendations that came from the review process was to upgrade Orme Street, which is behind the businesses on the south side of Kellogg. On January 11, 2000, the City Council approved the concept of upgrading Orme as East Kellogg was upgraded to a freeway facility.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 268

The first upgrade to Orme will be the construction of a bridge (RCB) across the west branch of Dry Creek just west of Pinecrest. This project was presented to District Advisory Board II on January 14, 2002. The District Advisory Board voted to recommend the project by an 8-0 vote.

The estimated costs of the entire Orme Street Corridor is \$1.7 million. An Ordinance has been prepared that authorizes funding for the entire project. The first phase of improvements (bridge on Orme west of Pinecrest) is estimated to cost \$350,000. Construction will begin in late spring 2002.

The funding source for the Orme Street project is Local Sales Tax.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Debra Sanders

Debra Sanders spoke against the project and said the traffic from Kellogg is not wanted in the neighborhood. She said she had spoken with Mr. Tiller and he was also against the project. The project should not be started until the Kellogg project is complete. There should also be sidewalks (handicap accessible) on the bridge. The bridge would also add noise congestion.

Jeanita Harris

Jeanita Harris said the side road should have been off of the Orme exit. The present access road should have been widened. If the bridge is completed, a speed bump should be constructed between the bridge and Gilbert. Ms. Harris also spoke about water concerns. The money for the project could be better spent on other projects such as an amphitheater.

Motion --
-- carried

Pisciotte moved that the project be approved and the Ordinance be placed on first reading. Motion carried 6 to 1. Fearey, no.

ORDINANCE

An Ordinance declaring Orme Street from Oliver Street to I-35 (KTA), to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

MID-CENTRAL MFG. REQUEST FOR TAX EXEMPTION FOR INDUSTRIAL EXPANSION – MID-CENTRAL MANUFACTURING, INC. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-1193

On July 15, 1997, City Council approved a five-plus-five year 99.5% Economic Development Tax Exemption to Mid-Central Mfg., Inc. for an expansion project that resulted in the acquisition and renovation of an existing building and acquisition of additional equipment. Mid-Central Mfg. Inc. (Mid-Central), located at 1935 Walker in southwest Wichita, was locally formed in 1964. Mid-Central has sustained consistent growth in manufacturing parts for the aerospace industry. Mid-Central has expanded its manufacturing capacity, to include acquisition of new manufacturing equipment in the amount of \$1,339,509. Mid-Central is now requesting approval of an Economic Development Tax Exemption on acquisition of new manufacturing equipment in conjunction with the expansion project.

Mid-Central has been engaged in the manufacture and repair of aerospace parts since 1964. Mid-Central is well known for its machining of detail parts such as hog outs, castings and forgings for firms in the aerospace industries. Mid-Central also manufactures small parts for the agriculture and the oil industry. Mid-Central high-speed machining centers have capabilities of machining small to medium parts up to 30"x 60" and medium to large parts 24"x 20 ft. Mid-Central's other capabilities include CNC milling, turning, conventional milling, state-of-the-art programming capabilities, various sawing, grinding and drilling.

Staff conducted a site monitoring visit on March 14, 2002, and as a result of the 1997 expansion Mid-Central had increased employment by adding an additional 3 employees and was in compliance with all

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 269

the terms and conditions under which the City granted the exemption. Mid-Central currently employs 40 employees and projects to add an additional 7 new jobs over the next five years by expanding operations through acquisition of new manufacturing equipment. Mid-Central exports 100% of its business outside of the State of Kansas.

Under the City's Business Incentives Policy, Mid-Central Mfg., Inc. is eligible for the following:

TAX EXEMPTION ELIGIBILITY

ELIGIBLE %	INCENTIVE	EXPLANATION
18.0%	New Job Creation:	Mid-Central will create at least 7 new jobs.
<u>19.5%</u>	Capital Improvements:	Mid-Central will invest at least \$1,339,509.
37.5%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
50.0%	Export Premium:	Mid-Central exports 100% outside Kansas.
50.0%	Sub Total – Export Premium (Maximum allowed is 50%)	
<u>00.0%</u>	Location Premium:	Mid-Central is not located in the central redevelopment area. (additional 20% allowed)
87.5%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Mid-Central is eligible for a 87.5% tax exemption for a five-year term on personal property. A notice of public hearing has been published. Mid-Central has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

The estimated first year taxes on the proposed \$1,339,509 expansion would be \$29,255 on personal property, based on the 2002 mill levy. Using the allowable tax exemption of 87.5 percent, the City would be exempting (for the first year) \$29,255 of new taxes from the personal property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$7,903; County/State - \$7,559; and USD 259 - \$13,793.

Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios, which are as follow:

City of Wichita	2.24 to one
Sedgwick County	1.88 to one
USD 259	2.68 to one
State of Kansas	1.86 to one

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Gale moved that the close the public hearing be closed; and the Ordinance granting a 87.5% tax exemption on the identified personal property improvements for a five year term be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance exempting property from Ad Valorem Taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of Mid-Central Mfg., Inc., so exempted, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 270

BUTTONWOOD

ISSUANCE OF TAX-EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS – BUTTONWOOD TREE APARTMENTS. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report # 02-1194.

On December 11, 2001, the City Council approved a one-year Letter of Intent to issue Tax-Exempt Multi-Family Housing Revenue Bonds to Buttonwood Tree L.L.C., in an amount not-to-exceed \$8,750,000. The proceeds of the proposed bonds will be used to finance the cost of acquisition and rehabilitation of an existing 216-unit apartment project known as Buttonwood Tree Apartments, located at 9211 East Harry in southeast Wichita. City Council also approved a resolution in support of the developer's application for Low-Income Housing Tax Credits. The company is now requesting the City to issue its Multi-Family Housing Revenue Bonds in the aggregate principal amount of \$7,750,000.

Buttonwood Tree L.L.C., is the proposed buyer of a 216-unit apartment project that was built in 1982. The project consists of 21 separate buildings with most having two stories located on a 12-acre site. The project also includes tennis courts, a fitness room, children's playground, and a car wash facility. Some of the units have fireplaces, and all have balconies or patios. The rehabilitation of the complex will include such items as new siding, replacing parking lots and driveways, improving the general appearance of the properties, assure ADA compliance and equip each unit with washer and dryer hookups. Other items to be included in rehabilitation will be to improve television hookups, new exercise equipment, high speed internet hookups and to install new windows in some of the units. Buttonwood Tree L.L.C., will employ up to 10 new jobs on a full and part time basis as a result of the project.

An estimated analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

Tax Credit Equity	\$2,370,000
Bond Proceeds	<u>7,750,000</u>
Total Sources	\$10,125,000

USES OF FUNDS

Acquisition	\$7,422,000
Rehabilitation Costs	1,650,000
Fees and Contingency	<u>1,053,000</u>
Total Uses	\$10,125,000

The firm of Hinkle Elkouri Law Firm, L.L.C., serves as bond counsel in the transaction. Bonds will be privately placed with Newman Financial Services, Inc. and not be reoffered to private investors. The bonds will ultimately be placed in a trust, along with other revenue bonds, and securitized, with trust shares sold to investors.

Buttonwood Tree L.L.C., has complied with the Standard Conditions contained in the City's IRB Policy and the City's tax credit policy.

Buttonwood Tree L.L.C., agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds.

The City's Attorney's Office will review the form of bond documents prior to the issuance of any bonds. Due to the changes that have occurred following initial approval of the Letter of Intent, the TEFRA public hearing will be held on April 9, 2002. The April 9th TEFRA hearing will meet the requirement in the federal tax code for tax-exempt bonds, as well as the public hearing requirement in the City's policy governing support for low-income housing tax credits. The proposed financial structure differs from the original proposed request. It is requested that the Council approve revisions to the Letter of Intent to reflect the current structure.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 271

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

-- carried

Pisciotte moved that the public hearing be closed, issuance of bonds and first reading of the Ordinance be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Multifamily Housing Revenue Bonds for the purpose of providing funds to acquire and rehabilitate a residential rental facility located in the City of Wichita, Kansas; and prescribing the form and authorizing execution of various documents relating to the issuance of and security for the Bonds, the lease of the facility, and the sale of the Bonds, introduced and under the rules laid over.

SPECIAL ASSMTS.

PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR 17 WATER, 13 SEWER, AND FIVE (5) STORM SEWER PROJECTS IN BOND SALE SERIES 770, JULY 2002.

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1195

The Council was notified February 12, 2002, for water, sewer and storm water sewer projects that the proposed assessment rolls were on file for public inspection in the Debt Management Office of the Department of Finance.

Notice of hearing was published February 15, 2002, for water and sewer projects, being not less than ten days prior to the date of hearing. Property owners have been notified in writing. City personnel held informal hearings March 4, 2002, on water and sewer projects.

Statement of Special Assessment will be mailed to the property owners on April 12, 2002, for water, sewer and storm water sewer projects. The property owners have 30 days from the date of statement to pay their assessment and avoid paying interest. The assessments not paid during this period will be in the July 2002 Bond Sale, Series 770 and put on the 2002 tax roll over a 15 year spread at the interest rate for which the bonds sell.

These projects were initiated pursuant to provisions of K.S.A. 12-6a01 et seq. All were 100% petitions: with the following exceptions:

WATER PROJECTS:

448-89423 58% Petition – an area between 63rd Street South, west of the Riverside Drainage Ditch.

WATER PROJECTS:

a) (470-659/734989/448-89054) Construction of Water Distribution System No. 448-89054 to serve the Caldwell Equipment Addition, (north of MacArthur, west of Ridge Road), as authorized by Resolution No. R-96-250 adopted June 11, 1996, and published June 14, 1996. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$11,677.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

b) (470-675/735005/448-89266) Construction of Water Distribution System No. 448-89266 to serve the Ridge Port Addition, (north of 29th Street North, east of Ridge Road), as authorized by Resolution No. R-98-201 adopted May 19, 1998, published May 22, 1998; and rescinded by Resolution R-01-195 adopted May 1, 2001, and published May 5, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 272

December 18, 2001, in the amount of \$68,740.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

c) (470-614/734944/448-89423) Construction of Water Distribution System No. 448-89423 to serve the following Additions: L. R. Sevens, South Hydraulic Vista, Mar, Glenn Acres, Fran's, South Hydraulic Gardens, Orchard View, Orchard View Second and Unplatted Tracts located in Sections 27 and 28, Township 28 South, Range 1 East, (south of 57th Street, west of Arkansas River), as authorized by Resolution No. R-99-384 adopted October 12, 1999, published October 15, 1999; Amended by R-00-136, adopted April 4, 2000, published April 7, 2000; and Amended the second time by R-01-504 adopted December 11, 2001, and published December 15, 2001. Petition for this improvement was signed by owners representing 58 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$847,897.00 is to be apportioned \$763,107.30 (90 percent) to the improvement district and \$84,789.70 (10 percent) to be paid by the City of Wichita utilizing Water Improvement Utility Funds. The cost has been assessed on a square foot basis.

d) (470-641/734971/448-89474) Construction of Water Distribution System No. 448-89474 to serve the Woodlake Second Addition, (north of Douglas, east of Sheridan), as authorized by Resolution No. R-00-207 adopted May 9, 2000, and published May 12, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$88,820.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

e) (470-655/734985/448-89487) Construction of Water Distribution System No. 448-89487 to serve the Cessna, C.E.C.U. Additions and Unplatted Tract No. 1 and No. 2 located in Section 3, Township 28 South, Range 1 West, (south of K-42 Highway and east of Ridge Road), as authorized by Resolution No. R-00-336 adopted September 12, 2000 and published September 18, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$200,971.00 is to be apportioned \$187,907.88 (93.5%) to the improvement district, with \$13,063.12 (6.5%) to be paid by the City of Wichita utilizing the Water Improvement Utility Funds. The cost has been assessed on a fractional basis.

f) (470-662/734992/448-89493) Construction of Water Distribution System No. 448-89493 to serve the Willow Place, Sawmill Creek and 45 Rock Road Industrial Park Additions, (south of 45th Street North, east of Rock Road), as authorized by Resolution No. R-00-321 adopted August 22, 2002, published August 25, 2000; and rescinded by R-01-023 adopted January 23, 2001, and published January 27, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$141,384.00 is to be apportioned \$95,490.76 (67.54 percent) to the improvement district and \$45,893.24 (32.46 percent) to be paid by the City of Wichita utilizing the Water Improvement Utility Fund. The cost has been assessed on a fractional basis.

g) (470-666/734996/448-89509) Construction of Water Distribution System No. 448-89509 to serve the Sawmill Creek Addition, (east of Rock Road, north of 45th Street North), as authorized by Resolution No. R-00-433 adopted December 19, 2000, and published December 23, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$118,484.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

h) (470-665/734995/448-89511) Construction of Water Distribution System No. 448-89511 to serve the Sawmill Creek Addition, (east of Rock Road, north of 45th Street North), as authorized by Resolution No. R-00-435 adopted December 19, 2000, and published December 23, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$58,213.00 is to be apportioned \$36,092.06 (62 percent) to the improvement district and \$22,120.94 (38 percent) to be paid by the City of Wichita utilizing the Water Improvement Utility Fund. The cost has been assessed on a fractional basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 273

- i) (470-668/734998/448-89517) Construction of Water Distribution System No. 448-89517 to serve the Angel Fire Addition, (north of 47th Street South, east of West Street), as authorized by Resolution No. R-00-402 adopted November 14, 2000, published November 18, 2000; and rescinded by R-01-223 adopted June 5, 2001, published June 8, 2001, and corrected and republished June 25, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$57,273.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- j) (470-671/735001/448-89522) Construction of Water Distribution System No. 448-89522 to serve the Shoal Creek Addition, (west of 143rd, south of Central), as authorized by Resolution No. R-01-010 adopted January 9, 2001, and published January 13, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$81,793.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- k) (470-667/734997/448-89525) Construction of Water Distribution System No. 448-89525 to serve the New Market Square Addition and Tract 1 located in Lot 1, Block 1 of New Market Square, (north of 21st Street, west of Maize Road), as authorized by Resolution No. R-00-421 adopted December 12, 2000, and published December 16, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$86,571.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- l) (470-673/735003/448-89531) Construction of Water Distribution System No. 448-89531 to serve the Brush Creek Third Addition, (east of Woodlawn, south of 37th Street North), as authorized by Resolution No. R-01-005 adopted January 9, 2001, and published January 13, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$52,302.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- m) (470-678/735008/448-89540) Construction of Water Distribution System No. 448-89540 to serve the Ellson Court Addition, (south of Central, east of Greenwich Road), as authorized by Resolution No. R-01-018 adopted January 9, 2001, and published January 13, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$16,166.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- n) (470-676/735006/448-89542) Construction of Water Distribution System No. 448-89542 to serve the Regency Park Addition, (west of Greenwich Road, south of 29th Street North), as authorized by Resolution No. R-01-050 adopted February 13, 2001, published February 17, 2001, and corrected and republished February 15, 2002. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$31,186.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- o) (470-681/735011/448-89549) Construction of Water Distribution System No. 448-89549 to serve the Shelly's Orchard Addition, (east of Maize Road, north of Pawnee), as authorized by Resolution No. R-01-120 adopted March 27, 2001, and published March 31, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$59,375.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.
- p) (470-682/735012/448-89565) Construction of Water Distribution System No. 448-89565 to serve Tara Falls and Tara Falls Second Additions, (south of Harry, east of Greenwich Road), as authorized by Resolution No. R-01-192 adopted May 1, 2001, and published May 5, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$42,281.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 274

q) (470-699/735029/448-89619) Construction of Water Distribution System No. 448-89619 to serve the Ascension Lutheran Church Second Addition, (south of Maple, west of 119th Street West), as authorized by Resolution No. R-01-391 adopted September 18, 2001, and published September 22, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$7,762.00 is to be apportioned 100 percent to the improvement district. The cost has been assessed on a fractional basis.

SEWER PROJECTS:

a) (480-568/743880/468-83103) - Construction of Lateral 4, Main 3, Northwest Interceptor Sewer to serve the West Ridge Estates, (formerly Lateral 452, Southwest Interceptor Sewer), (south of 29th Street North, east of 119th Street West), as authorized by Resolution No. R-00-192, adopted May 2, 2000, published May 7, 2000; corrected and re-published September 29, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$132,193.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

b) (480-529/743841/468-83112) - Construction of Lateral 39, District A, Sanitary Sewer No. 21 to serve the Woodlake Second Addition, (north of Douglas, east of Sheridan), as authorized by Resolution No. R-00-208, adopted May 9, 2000, and published May 12, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$162,993.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

c) (480-549/743861/468-83170) - Construction of Lateral 1, Main 11, Sanitary Sewer No. 23 to serve the Sawmill Creek Addition, (east of Rock Road, north of 45th Street North), as authorized by Resolution No. R-00-437, adopted December 19, 2000, and published December 23, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$212,037.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

d) (480-547/743859/468-83178) - Construction of Lateral 6, Main 2, Cowskin Interceptor Sewer to serve the Auburn Hills Twelfth Addition, (west of 135th Street West, south of Maple), as authorized by Resolution No. R-00-396, adopted November 14, 2000, published November 18, 2000, Re - registered-Corrected and Re-published December 14, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$225,323.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

e) (480-551/743863/468-83182) - Construction of Lateral 463 Southwest Interceptor Sewer to serve the Angel Fire Addition, (north of 47th Street South, east of West Street), as authorized by Resolution No. R-00-406 adopted November 14, 2000, and published November 18, 2000; and rescinded by Resolution No. R-01-224, adopted June 5, 2001, and published June 8, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$127, 006.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

f) (480-558/743870/468-83219) - Construction of Lateral 3, Main 3, Northwest Interceptor Sewer to serve the Lochs at Aberdeen, Aberdeen Third and Evangel Assembly of God Additions, (north of 21st Street North, east of 119th Street West), as authorized by Resolution No. R-01-128, adopted March 27, 2001, and published April 2, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$ 168,783.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

g) (480-564/743876/468-83220) - Construction of Lateral 66, Main 9, Sanitary Sewer No. 23 to serve the Whispering Brook Commercial Second Addition, (south of 37th Street North, west of Woodlawn), as authorized by Resolution No. R-01-085, adopted February 27, 2001, published March 3, 2001; and amended by Resolution R-01-287 adopted July 17, 2001, and published July 21, 2001.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 275

Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$34,081.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

h) (480-554/743866/468-83223) - Construction of Lateral 301, Four Mile Creek Sewer to serve the Cedar View Second Addition, (east of Greenwich Road, north of Lincoln), as authorized by Resolution No. R-01-108, adopted March 20, 2001, and published March 24, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$65,804.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

i) (480-552/743864/468-83224) - Construction of Lateral 302, Four Mile Creek Sewer to serve Metro East Baptist Church Addition and Shoal Creek Addition, (west of 143rd Street East, south of Central, as authorized by Resolution No. R-01-109 adopted March 20, 2001, first published March 24, 2001 and corrected and republished January 18, 2002. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$67,382.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

j) (480-553/743865/468-83233) - Construction of Lateral 303, Four Mile Creek Sewer to serve the Shoal Creek Addition, (west of 143rd Street East, south of Central), as authorized by Resolution No. R-01-115, adopted March 27, 2001, and published March 31, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$255,275.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

k) (480-559/743871/468-83235) - Construction of Lateral 22, Main 13, War Industries Sewer to serve One Kellogg Place Second Addition, (south of Kellogg, east of Greenwich Road), as authorized by Resolution No. R-01-137, adopted April 3, 2001, and published April 7, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$251,984.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

l) (480-557/743869/468-83244) - Construction of Lateral 305, Four Mile Creek Sewer to serve the Tara Falls and Tara Falls Second Additions, (south of Harry, east of Greenwich Road), as authorized by Resolution No. R-01-193, adopted May 1, 2001, and published May 5, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$78,888.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

m) (480-567/743879/468-83296) - Construction of Lateral 7, Main 2, Cowskin Interceptor Sewer to serve the Auburn Hills Eleventh Addition and Unplatted Tract 'A' located in Section 26, Township 27 S, Range 2 West, (east of 151st Street West, north of Kellogg), as authorized by Resolution No. R-01-305, adopted July 24, 2001, and published July 28, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$34,742.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

STORM WATER SEWERS:

a) (485-174/751283/468-80969) - Construction of Storm Water Sewer No. 195 to serve the K. T. Wiedemann Business Park Addition (south of Kellogg, west of Greenwich Road), as authorized by Resolution adopted June 10, 1980, and published June 14, 1980; and rescinded by Resolution No. R-01-364 adopted September 11, 2001, published September 15, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$148,372.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 276

b) (485-180/751289/468-83163) - Construction of Storm Water Drain No. 155 to serve Zoo Business Park Addition (north of 21st, east of Hoover), as authorized by Resolution No. R-00-363 adopted October 17, 2000, and published October 21, 2000. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$70,351.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

c) (485-182/751291/468-83180) - Construction of Storm Water Sewer No. 544 to serve Auburn Hills Twelfth Addition (west of 135th Street West, south side of Maple), as authorized by Resolution No. R-00-398, adopted November 14, 2000, published November 18, 2000; and amended by Resolution No. 01-116 adopted March 27, 2001, and published March 31, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$364,994.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

d) (485-187/751296/468-83232) - Construction of Storm Water Drain No. 162 to serve Savannah Place Addition (west of Tyler Road, south of Maple), as authorized by Resolution No. R-01-126, adopted March 27, 2001, and published April 2, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$50,434.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

e) (485-189/751298/468-83234) - Construction of Storm Water Drain No. 163 to serve Y.M.C.A. South Addition (west of Meridian, north of MacArthur), as authorized by Resolution No. R-01-211, adopted May 22, 2001, and published May 25, 2001. Petition for this improvement was signed by owners representing 100 percent of the property ownership. The Statement of Cost approved December 18, 2001, in the amount of \$117,518.00 is to be apportioned 100% to the improvement district. The cost has been assessed on a fractional basis.

Hearing on each of the proposed assessment rolls has been set for 9:30 a.m., April 2, 2002, for water and sewer projects. Notice of Public Hearing with respect to each of the projects were published February 15, 2002, for water and sewer projects, being not less than 10 days prior to the date of hearing. On the date of publication, a "NOTICE OF HEARING AND PROPOSED SPECIAL ASSESSMENT" on each project was mailed to property owners concerned.

Informal hearings with City personnel were held on March 4, 2002, for water and sewer projects.

K.S.A. 10-1009 provides that all assessments shall bear interest at such rate as the Governing Body determines, not to exceed the rate allowed by law.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Pisciotte moved that the public hearing be closed; the assessments be approved; and the Ordinances be placed on first reading. Motion carried 7 to 0.

WATER PROJECTS:

a) (470-659/734989/448-89054)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89054 to serve the Caldwell Equipment Addition, (north of MacArthur, west of Ridge Road), introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 277

b) (470-675/735005/448-89266)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89266 to serve the Ridge Port Addition, (north of 29th Street North, east of Ridge Road), introduced and under the rules laid over.

c) (470-614/734944/448-89423)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89423 to serve the following Additions: L. R. Sevens, South Hydraulic Vista, Mar, Glenn Acres, Fran's, South Hydraulic Gardens, Orchard View, Orchard View Second and Unplatted Tracts located in Sections 27 and 28, Township 28 South, Range 1 East, (south of 57th Street, west of Arkansas River), introduced and under the rules laid over.

d) (470-641/734971/448-89474)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89474 to serve the Woodlake Second Addition, (north of Douglas, east of Sheridan), introduced and under the rules laid over.

e) (470-655/734985/448-89487)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89487 to serve the Cessna, C.E.C.U. Additions and Unplatted Tract No. 1 and No. 2 located in Section 3, Township 28 South, Range 1 West, (south of K-42 Highway and east of Ridge Road), introduced and under the rules laid over.

f) (470-662/734992/448-89493)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89493 to serve the Willow Place, Sawmill Creek and 45 Rock Road Industrial Park Additions, (south of 45th Street North, east of Rock Road), introduced and under the rules laid over.

g) (470-666/734996/448-89509)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89509 to serve the Sawmill Creek Addition, (east of Rock Road, north of 45th Street North), introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 278

h) (470-665/734995/448-89511)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89511 to serve the Sawmill Creek Addition, (east of Rock Road, north of 45th Street North), introduced and under the rules laid over.

i) (470-668/734998/448-89517)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89517 to serve the Angel Fire Addition, (north of 47th Street South, east of West Street), introduced and under the rules laid over.

j) (470-671/735001/448-89522)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89522 to serve the Shoal Creek Addition, (west of 143rd, south of Central), introduced and under the rules laid over.

k) (470-667/734997/448-89525)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89525 to serve the New Market Square Addition and Tract 1 located in Lot 1, Block 1 of New Market Square, (north of 21st Street, west of Maize Road), introduced and under the rules laid over.

l) (470-673/735003/448-89531)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89531 to serve the Brush Creek Third Addition, (east of Woodlawn, south of 37th Street North), introduced and under the rules laid over.

m) (470-678/735008/448-89540)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89540 to serve the Ellson Court Addition, (south of Central, east of Greenwich Road), introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 279

n) (470-676/735006/448-89542)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89542 to serve the Regency Park Addition, (west of Greenwich Road, south of 29th Street North), introduced and under the rules laid over.

o) (470-681/735011/448-89549)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89549 to serve the Shelly's Orchard Addition, (east of Maize Road, north of Pawnee), introduced and under the rules laid over.

p) (470-682/735012/448-89565)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89565 to serve Tara Falls and Tara Falls Second Additions, (south of Harry, east of Greenwich Road), introduced and under the rules laid over.

q) (470-699/735029/448-89619)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Water Distribution System No. 448-89619 to serve the Ascension Lutheran Church Second Addition, (south of Maple, west of 119th Street West), introduced and under the rules laid over.

SEWER PROJECTS:

a) (480-568/743880/468-83103)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 4, Main 3, Northwest Interceptor Sewer to serve the West Ridge Estates, (formerly Lateral 452, Southwest Interceptor Sewer), (south of 29th Street North, east of 119th Street West), introduced and under the rules laid over.

b) (480-529/743841/468-83112)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 39, District A, Sanitary Sewer No. 21 to serve the Woodlake Second Addition, (north of Douglas, east of Sheridan), introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 280

c) (480-549/743861/468-83170)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 1, Main 11, Sanitary Sewer No. 23 to serve the Sawmill Creek Addition, (east of Rock Road, north of 45th Street North), introduced and under the rules laid over.

d) (480-547/743859/468-83178)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 6, Main 2, Cowskin Interceptor Sewer to serve the Auburn Hills Twelfth Addition, (west of 135th Street West, south of Maple), introduced and under the rules laid over.

e) (480-551/743863/468-83182)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 463 Southwest Interceptor Sewer to serve the Angel Fire Addition, (north of 47th Street South, east of West Street), introduced and under the rules laid over.

f) (480-558/743870/468-83219)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 3, Main 3, Northwest Interceptor Sewer to serve the Lochs at Aberdeen, Aberdeen Third and Evangel Assembly of God Additions, (north of 21st Street North, east of 119th Street West), introduced and under the rules laid over.

g) (480-564/743876/468-83220)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 66, Main 9, Sanitary Sewer No. 23 to serve the Whispering Brook Commercial Second Addition, (south of 37th Street North, west of Woodlawn), introduced and under the rules laid over.

h) (480-554/743866/468-83223)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 301, Four Mile Creek Sewer to serve the Cedar View Second Addition, (east of Greenwich Road, north of Lincoln), introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 281

i) (480-552/743864/468-83224)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 302, Four Mile Creek Sewer to serve Metro East Baptist Church Addition and Shoal Creek Addition, (west of 143rd Street East, south of Central), introduced and under the rules laid over.

j) (480-553/743865/468-83233)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 303, Four Mile Creek Sewer to serve the Shoal Creek Addition, (west of 143rd Street East, south of Central), introduced and under the rules laid over.

k) (480-559/743871/468-83235)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 22, Main 13, War Industries Sewer to serve One Kellogg Place Second Addition, (south of Kellogg, east of Greenwich Road), introduced and under the rules laid over.

l) (480-557/743869/468-83244)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 305, Four Mile Creek Sewer to serve the Tara Falls and Tara Falls Second Additions, (south of Harry, east of Greenwich Road), introduced and under the rules laid over.

m) (480-567/743879/468-83296)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Lateral 7, Main 2, Cowskin Interceptor Sewer to serve the Auburn Hills Eleventh Addition and Unplatted Tract 'A' located in Section 26, Township 27 S, Range 2 West, (east of 151st Street West, north of Kellogg), introduced and under the rules laid over.

STORM WATER SEWERS:

a) (485-174/751283/468-80969)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 195 to serve the K. T. Wiedemann Business Park Addition (south of Kellogg, west of Greenwich Road), introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 282

b) (485-180/751289/468-83163)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 155 to serve Zoo Business Park Addition (north of 21st, east of Hoover), introduced and under the rules laid over.

c) (485-182/751291/468-83180)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Sewer No. 544 to serve Auburn Hills Twelfth Addition (west of 135th Street West, south side of Maple), introduced and under the rules laid over.

d) (485-187/751296/468-83232)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 162 to serve Savannah Place Addition (west of Tyler Road, south of Maple), introduced and under the rules laid over.

e) (485-189/751298/468-83234)

ORDINANCE

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of construction of Storm Water Drain No. 163 to serve Y.M.C.A. South Addition (west of Meridian, north of MacArthur), introduced and under the rules laid over.

ROCK ROAD IMP.

ROCK ROAD IMPROVEMENT BETWEEN 21ST AND 29TH STREETS. (District II)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1197

The Capital Improvement Program includes an ongoing program to relieve traffic congestion in the Rock Road Corridor. One element of the program is improvements to Rock Road between 21st and 29th. Three different designs were presented to District II Advisory Board on August 20, 2001. These designs included 5, 6, and 7 lane alternatives. After hearing concerns from citizens attending the meeting the City Engineer's Office Staff continued to meet with neighborhood groups in order to develop a design that would be acceptable to those most directly impacted.

A meeting was held October 3, 2001 and representatives of the various adjacent Home Owner's Associations were invited to provide input for developing the design. Public Works, Planning, Wichita Police Department, and City Manager's Office Staff represented the City of Wichita.

As a result of this meeting a five-lane design with deceleration lanes at each intersection, was tentatively agreed upon by the represented Home Owner's Association. This five-lane design would incorporate traffic signals at 22nd and at Oxford as well as deceleration lanes to address traffic issues. Raised medians would be used as a safety feature. That tentative design concept included an opening through a cul-de-sac at Dublin Court in order to connect traffic from Greenbriar to a traffic light that

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 283

would be placed at Oxford. The medians would be landscaped similar to other medians throughout Wichita. This design concept was presented at the November 5, 2001, DAB meeting.

City Engineer's Office Staff continued working with affected residents after the November 5, 2001, meeting. Representatives of impacted homeowner associations provided comments and suggestions. The suggestions have been incorporated into a proposed design that will meet projected traffic demands and was approved by the District Advisory Board at the January 14, 2002, meeting.

The recommended design does not include opening Dublin Court, but does place a traffic signal at Oxford. The design also provides residents within Penstemon access to a signalized u-turn at 29th and Rock Road. Drivers wanting to go south from Greenbriar could either utilize the u-turn at 29th Street North or use the acceleration lane that will be constructed on Rock Road adjacent to Greenbriar. The design provides for more green space behind the curb than the transportation plan concept of seven lanes. Landscaped medians are also incorporated into the design.

The CIP budget for the improvement is \$2,435,000. The funding source is a combination of General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

Mayor Knight Mayor Knight inquired if anyone wished to be heard.

Frank Kardaske Frank Kardaske, Larksfield Place, spoke regarding the stop light issue. Larksfield Place was surprised when it heard of the plan to move the stop light that is directly in front of the Larksfield property. Moving the stop light affects how the property can be developed in the future. Notification should have been made very early in the process.

Mike Lindebak City Engineer explained that the property is listed as owned by the City of Wichita because of bond financing. Notices are sent to the address where taxes are sent.

Phil Ryan Phil Ryan, president of the Penstemon Homeowners' Association, took exception with traffic signal removal. The removal will strand residents and increase danger. Earlier discussions with Tallgrass would have allowed homes on the east side of Rock Road to access Rock Road through one road to a traffic signal. It is not in the best interest of the home owners to discard the plan to give access to a traffic light.

Council Member Pisciotte Council Member Pisciotte said safety is the over-riding factor. Traffic needs to be moved safely along Rock Road. There are alternatives that will work very well to move the residents onto Rock Road.

Motion -- Pisciotte moved that the design plan be approved and completion of construction plans be authorized.
-- carried Motion carried 7 to 0.

29TH STREET IMP. 29TH STREET NORTH IMPROVEMENT (ROCK ROAD TO WEBB ROAD) AND TRAFFIC SIGNALIZATION AT WEBB/29TH STREET AND WEBB/K-96 EXPRESSWAY INTERSECTIONS. (District II)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 02-1198

The 2002 Capital Improvement Program include projects to improve 29th Street North, from Rock Road to Webb Road and install traffic signals at the Webb intersections at 29th Street and K-96 Expressway. District II Advisory Board considered the project on March 18, 2002. The Board made no recommendation.

The work on 29th consists of widening the street to provide left turn lanes to commercial properties and intersecting side streets. A landscaped median will be built in the center of the roadway. Traffic signals will be installed at Webb Road and at the K-96 access ramps to Webb Road.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 284

The estimated cost of the 29th Street North improvement is \$1,940,000, with \$690,000 paid by the City and \$1,250,000 by Federal Grants administered by the Kansas Department of Transportation. The estimated traffic signal cost is \$300,000 with \$50,000 paid by the City and \$250,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City's share is General Obligation Bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Pisciotte moved that the projects and necessary State/Federal Agreements be approved; the Ordinances be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring 29th Street North, between Rock and Webb Road (472-83519) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

ORDINANCE

An Ordinance declaring Webb Road, between 29th Street North and K-96 Expressway (472-83508) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

HARRY STREET IMP. HARRY STREET IMPROVEMENT BETWEEN I-135 AND GEORGE WASHINGTON BOULEVARD. (Districts I and III)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1199

The Capital Improvement Program includes a project to improve Harry, between I-135 and George Washington Boulevard. The City Engineer's Office has presented the plan to affected property owners, tenants, and to the Districts I and III Advisory Boards. Both District Advisory Boards recommended approval of the project with the stipulation that paved off-street parking be provided along portions of the north side of Harry, adjacent to residential property with limited on-site parking.

The recommended design plan provides for the reconstruction of Harry to provide four through lanes and a center two-way left turn lane. Paved off-street parking will be constructed along a portion of the north side of Harry.

The CIP budget for the improvement is \$2,100,000. The funding source is a combination of General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Brewer moved that the design plan be approved and completion of construction plans be authorized. Motion carried 7 to 0.

FLOOD PROTECTION FLOOD PROTECTION LEVELS – NORTH FORK OF CALFSKIN CREEK. (District V)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 02-1200

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 285

In 1986, the City of Wichita entered the Federal Flood Insurance Program. Flood Insurance was made available to the citizens of our community providing that the City began regulating development near floodplains in accordance with minimum Federal Emergency Management Agency (FEMA) standards, as adopted in City Code Chapter 27.04. These minimum standards require that floodway areas remain unobstructed to allow the passage of flood flows and that any structure built in the flood plain be elevated or otherwise flood proofed to an elevation one (1) foot above the 100-year flood level as indicated on the FEMA Flood Hazard Boundary Maps dated May 15, 1986, along with any formal map amendments approved since then.

During the 1998 Halloween weekend flood in the Cowskin Creek Basin, flood levels along the North Fork of the Calfskin Creek upstream of 119th Street West rose to 3.5 feet to 4.5 feet higher than the predicted FEMA 100-year flood levels. Further investigation determined that these unusually high flood levels were a result of a diversion of flow from Dry Creek (a much larger drainage basin) into the North Fork of Calfskin Creek. This occurs in the general vicinity of 167th Street West at 13th Street North and was not a one-time event. It will reoccur in the future during significant storm events. As long as this diversion is allowed to continue, the correct 100-year flood elevations along the North Fork of Calfskin Creek will be three to four feet higher than current regulatory levels as shown on the FEMA Flood Maps.

Staff recommends, until the diversion is controlled, that any new construction near the floodplains of the North Fork of Calfskin Creek above 119th Street West be elevated so as to be protected from this diversion. This requirement would remain in effect until the diversion is eliminated or controlled. The flood protection levels in the remainder of the community would remain unchanged.

There will be no impact to the City's budget by the approval of this Ordinance. The impact on the development community will be relatively minor due to the limited amount of developable land in this area within the city limits. Any increase in building costs could easily be offset by a future reduction in flood losses.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion – carried

Martz moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 27.04.030, 27.04.040, 27.04.120 and 27.04.140 of the Code of the City of Wichita, Kansas, pertaining to flood damage prevention and repealing the originals of said Section, introduced and under the rules laid over.

DOWNTOWN DEV.

CONTRACT WITH THE WICHITA DOWNTOWN DEVELOPMENT CORPORATION.

Agenda Report No. 02-1201

On March 20, 2001, the City Council adopted an ordinance creating a Self-Supported Municipal Improvement District ("SSMID") in downtown Wichita. The ordinance authorizes the City Council, as the governing body of the SSMID, to levy an assessment on all taxable real property located within the district for the purpose of marketing, developing and improving the downtown area, generally described as property bounded by the Arkansas River, Central Avenue, Washington Avenue and Kellogg Avenue. Under the ordinance, the City is to contract with the Wichita Downtown Development Corporation ("WDDC") or a successor for implementation of the SSMID-funded programs. Since funding for these programs will come from assessments paid in 2002, the City Council approved a "bridge" loan, in the amount of \$100,000, to start preliminary operations in 2001. City staff and WDDC have since negotiated a contract (approved by City Council on December 18, 2001).

The City and WDDC have several desired changes to make in the contract prior to final execution. The proposed contract will provide for downtown development services to be performed by the WDDC. It will provide for the implementation of the operating plan as well as the original focus of four major program areas:

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 286

1. Image enhancement and marketing programs to attract consumers visitors and residents and promote a positive downtown image.
2. Business retention and recruitment initiatives to retain, grow and attract jobs, businesses and investment.
3. Urban vitality improvements to make downtown more attractive and vital.
4. SSMID operations and bridge loan repayment to support program activities and repay the City bridge loan to fund preliminary SSMID activities.

The contract changes are as follows:

1. WDDC it to reconcile (each fiscal year) expenditures and reimburse the City for the SSMID fund any unexpended or uncommitted fund prior to February 15th of the ensuing year. Any such money returned to the SSMID fund may be reappropriated by the City Council for the ensuring budget year upon approval by the City Council during the budget process.
Note: This is a procedure consistent with other operating funds that receive property taxes as a revenue source outside the General Fund and is recommended by City staff.
2. WDDC is requesting the City Council to approve a ten-year agreement with WDDC. The City would have the right to terminate the agreement for cause. The City can only terminate without cause in the event of dissolution of the SSMID.
Note: This is not a procedure consistent with other contracts and, therefore, is not recommended by City staff. The City generally includes a clause that allows the City to cancel any contract with or without cause.
3. WDDC also is requesting a more structured and definitive schedule for allocation of the tax dollars. The WDDC proposed the distribution of tax collections as outlined below:

Month of Distribution	Amount of Payment
January	40% less loan payment (\$25,000)
April	20%
July	20%
October	20%
Total	100%

The City cannot exceed the total amount of actual property tax revenues received.

Note: This is a procedure consistent with other contracts when tax allocations are based on a specified schedule and availability of revenue and is recommended by City staff.

SSMID assessments have been billed to property owners in the SSMID area by the County Treasurer as part of their 2001 property tax statement. Assessments have been collected by the County Treasurer and distributed to the City along with property taxes. The budget amount of \$484,690 is based on an assumed aggregate assessed valuation of approximately \$62 million and a proposed mill rate of 7.8 mills, that was officially adopted by the City Council in the 2002 City Budget.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the Contract for downtown development services with the Wichita Downtown Development Corporation, based on the specific recommendations noted above, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 287

CONSENT AGENDA

Knight moved that the Consent Agenda, except Items 25, 28, and 40, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED APRIL 1, 2002.

Bids were opened March 22 and March 29, 2002, pursuant to advertisements published on:

2002 Contract maintenance area concrete street repairs Phase 4 - north of 55th Street South, east of Hoover. (472-83492/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III & VI)

McFadden Construction – Award for \$280,000.00

Incidental drainage Phase II (Emory Park) between MacArthur and 47th Street South for Hydraulic Avenue Paving - 45th Street South and Hydraulic - 45th Street South and Hydraulic - (472-83324 /706810/201275) Traffic to be maintained during construction using flagpersons and barricades. (District III)

Wildcat Construction - \$1,669,235.70

Onewood, from the east line of Onewood Place, west to the west line of the plat; Onewood Place (Lots 1 through 11, Block D, Lots 28 through 52, Block D and Lots 1 through 21, Block E, including two cul-de-sacs, Lots 16 through 21, Block E, and Lots 7 through 11, and Lots 28 and 29, Block D) to serve Auburn Hills 12th Addition - west of 135th Street West, south of Maple. (472-83291/765722/490833) Does not affect existing traffic. (District V)

Kansas Paving Company - \$191,291.00

Pine Meadow Street, from 21' east of Pine Meadow Court to the west Line of Lot 1, Block 2, Pine Meadow Second Addition; sidewalk on the North side of Pine Meadow from Pine Meadow Court to the West line of Lot 1, Block 2 to serve Pine Meadow and Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (472-83448/765710/490821) Does not affect existing traffic AND Pine Meadow/ Bedford Street, from the West Line of Lot 1, Block 2, to the South Line of Lot 6, Block 2; Bedford Circle, from the East Line of Bedford to and including the cul-de-sac; Bedford Court, from the East Line of Bedford Circle to the cul-de-sac serving Lots 23 through 33, Block 1; Bedford Court, from the East Line of Bedford Street to and including the cul-de-sac serving Lots 36 through 50, Block 1; sidewalk on the North and East side of Pine Meadow/Bedford from the West line of Lot 1, Block 1, to the South line of Lot 50, Block 1 to serve Pine Meadow and Pine Meadow Second Addition - east of Greenwich, south of 13th Street North. (472-83449/765711/490822) Does not affect existing traffic. (District II)

Central Paving - \$410,471.45 (Total aggregate bid)

Lateral 321, Four Mile Creek Sewer to serve Maple Shade Addition - east of Webb, north of Pawnee. (468-83356/743910/480598) Does not affect existing traffic. (District II)

K C Excavating - \$54,440.00

Storm Water Sewer 560 to serve Maple Shade Addition - east of Webb, north of Pawnee. (468-83358/751310/485201) Does not affect existing traffic. (District II)

Jayhawk Contractors - \$51,404.00

Water distribution system to serve Maple Shade Addition - east of Webb, north of Pawnee. (448-89638/735043/470713) Does not affect existing traffic. (District II)

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 288

McCullough Excavation - \$16,400.00

Water distribution system to serve Fairmont Addition - north of 21st Street North, west of Greenwich. (448-89659/735045/470715) Does not affect existing traffic. (District II)

WBW Contractors - \$60,760.00

Water distribution system to serve Church of The Magdalen Addition - north of 21st Street North, west of Greenwich. (448-89536/735048/470718) Does not affect existing traffic. (District II)

McCullough Excavation - \$70,895.00 (Corrected total/Total aggregate bid)

Tipperary from the west line of Lot 1, Block 1 to the east line of Lot 1, Block 3; and Bracken from the north line of Tipperary to the southerly line of Lot 21, Block 1; Bracken Court serving Lots 5 thru 10, Block 1; Bracken Circle serving Lots 11 thru 21, Block 1; and Tipperary Court serving Lots 3 thru 10, Block 3. A 5 foot sidewalk be installed on the north side of Tipperary and the east side of Bracken to serve Balthrop Fourth Addition (north of Central, east of Greenwich) (472-83468 /765721/490832) Does not affect existing traffic. (District II)

Ritchie Paving - \$276,255.38 (Base bid total with add alternate)

2002 Sanitary Sewer Reconstruction Phase 2 (Various Locations) - west of Oliver, south of 29th Street North. (468-83406/620336/662459) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, IV, VI)

WB Carter Construction - \$105,546.00

Lateral 310, Four Mile Creek Sewer to serve Smithmoor 10th Addition - south of Harry, west of Greenwich. (468-83282/743915/480603) Does not affect existing traffic. (District II)

Mies Construction - \$103,898.00

Lateral 1, Main 12, Sanitary Sewer 23 to serve Eagles Landing at North Oliver Second Addition - west of Oliver, south of 45th Street North. (468-83284/ 743916/480604) Does not affect existing traffic. (District II)

Mies Construction - \$182,487.00

Storm Water Sewer 566 to serve Balthrop Fourth Addition - north of Central, east of Greenwich. (468-83392/751313/485204) Does not affect existing traffic. (District II)

WB Carter Construction - \$260,131.00

Storm Water Drain 181 to serve Brentwood South Addition - east of Webb, north of Pawnee. (468-83355/751309/485200) Does not affect existing traffic. (District II)

Bob Bergkamp - \$334,340.85 (Corrected)

Water Distribution System to serve Balthrop Fourth Addition - north of Central, east of Greenwich. (448-89654/735047/470717) Does not affect existing traffic. (District II)

Nowak Construction - \$52,755.44

Central, Tyler to Woodchuck - Central, Tyler to Woodchuck. (472-83192 /80748/83515/448-89678/706835/765723/765727/202301/490834/490838) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Cornejo & Sons Construction - \$567,466.25

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 289

Clark/Stoneybrook, from the south line of Lot 37, Block 2, Brentwood Village Addition to the south line of Lot 20, Block 2, Brentwood South Addition; Mt. Vernon, from the east line of Clark to the east line of Brentwood Village Addition; Clark, from the east line of Stoneybrook to the west line of Lot 2, Block 4, Brentwood South Addition; Cranbrook, from the north line of Clark to the north line of Brentwood South Addition; Stoneybrook Courttoneybrook Circle (Lots 4-11, Block 2) from the west line of Stoneybrook to and including the cul-de-sac; and S, from the east line of Stoneybrook to and including the cul-de-sac to serve Brentwood Village Addition; Brentwood South Addition; Maple Shade Addition - east of Webb, north of Pawnee. (472-83444/765713/490824) Does not affect existing traffic. (District II)

APAC – Kansas Inc. - \$418,648.05

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Replacement of Chain Link Fence, Gates, Install Concrete Mow Strips. (097817)

Arambula Construction Co. - \$33,450.00 (Group 1/total net bid)
\$32,950.00 (Group 2/total net bid)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Foundation Repair at Various Sites. (097817)

McFadden Construction Co. Inc. - \$22,500.00 (Group 1/total net bid)

PARK & RECREATION DIVISION/GREEN HOUSEHOUSE DIVISION: Sprayers. (172015)

Vegetation Management Supply Inc. - \$6,880.00 (Item 1/total net bid)
<\$1,200.00> (Option 1/deduct trade in)
\$4,796.00 (Item 2/total net bid)
<\$ 600.00> (Option 2/deduct trade in)

HOUSING SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Removal and Replacement of Roofing and Guttering. (097817)

Larry Booze Roofing Inc. - \$20,194.50 (Group 1/total net bid)
\$21,397.67 (Group 2/total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Construction of Taxiway M. (500940)

Ritchie Paving - \$9,170,246.13* (Corrected/Total lump sum)
*Pending FAA approval and funding

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Swimming Improvements. (785024)

Greer's Sandblasting and Protective Coatings - \$20,259.10 (Group 1/total net bid)
Frederick Waterproofing & Roofing - \$23,000.00 (Group 2/total net bid)
Guthrie Steaming & Tank - \$31,927.03 (Group 3/total net bid)

POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: Police Leather Accessories. (083105)

Law Enforcement Equipment Company - \$ 37.75 (Item 1/per each)
\$ 39.25 (Item 2/per each)
\$ 4.70 (Item 3/per each)

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 290

\$ 17.30 (Item 4/per each)
\$ 18.30 (Item 5/per each)
\$ 21.50 (Item 6/per each)
\$ 2.35 (Item 7/per each)
\$ 6.90 (Item 8/per each)
\$ 5.30 (Item 9/per each)
\$ 17.65 (Item 10/per each)
\$ 5.15 (Item 11/per each)
\$ 17.95 (Item 12/per each)
\$ 6.65 (Item 13/per each)
\$ 10.50 (Item 14/per each)
\$ 21.60 (Item 15/per each)
\$ 6.05 (Item 16/per each)
\$ 13.95 (Item 17/per each)
\$ 21.15 (Item 18/per each)
\$ 23.90 (Item 19/per each)
\$ 18.25 (Item 20/per each)
\$ 14.85 (Item 21/per each)
\$ 9.70 (Item 22/per each)
\$ 19.65 (Item 23/per each)
\$ 13.90 (Item 24/per each)
\$ 17.00 (Item 25/per each)
\$ 67.50 (Item 26/per each)
\$ 90.55 (Item 27/per each)
\$ 59.05 (Item 28/per each)
\$ 67.50 (Item 29/per each)
\$ 34.30 (Item 30/per each)
\$ 25.50 (Item 31/per each)
\$ 27.40 (Item 32/per each)
\$ 17.10 (Item 33/per each)
\$ 16.15 (Item 34/per each)
\$ 16.00 (Item 35/per each)
\$ 16.15 (Item 36/per each)
\$110.15 (Item 37/per each)
\$ 47.50 (Item 38/per each)
\$ 24.40 (Item 39/per each)
\$ 10.05 (Item 40/per each)
\$ 10.05 (Item 41/per each)
\$ 11.50 (Item 42/per each)
\$ 30.95 (Item 43/per each)
\$ 31.70 (Item 44/per each)
\$ 15.30 (Item 45/per each)
\$ 6.00 (Item 46/per each)
\$ 9.85 (Item 47/per each)
\$ 3.80 (Item 48/per each)
\$ 9.30 (Item 49/per each)
\$ 6.00 (Item 50/per each)
\$ 8.20 (Item 51/per each)
\$ 9.85 (Item 52/per each)
\$ 7.10 (Item 53/per each)
\$ 9.85 (Item 54/per each)
\$ 14.25 (Item 55/per each)
\$ 19.15 (Item 56/per each)
\$ 73.00 (Item 57/per each)
\$ 6.00 (Item 58/per each)
\$ 9.30 (Item 59/per each)
\$ 14.10 (Item 60/per each)
\$ 8.75 (Item 61/per each)
\$ 8.75 (Item 62/per each)

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 291

\$ 5.45 (Item 63/per each)
\$ 68.90 (Item 64/per each)
\$ 3.80 (Item 65/per each)
\$ 10.90 (Item 66/per each)
\$ 14.10 (Item 67/per each)
\$ 14.60 (Item 68/per each)
\$ 35.60 (Item 69/per each)
Reject (Item 70/per each)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Concrete Requirements. (132225)

CMC Concrete Materials Co. – \$49.75 (Item 1/per cubic yard)
\$60.00 (Item 2/per cubic yard)
\$49.00 (Item 3/per cubic yard)
\$53.00 (Item 4/per cubic yard)
\$50.50 (Item 5/per cubic yard)
\$55.00 (Item 6/per cubic yard)
\$ 5.00 (Item 7/per cubic yard)
\$ 1.00 (Item 8/per cubic yard)
\$.50 (Item 9/per cubic yard)
\$ 1.00 (Item 10/per cubic yard)
\$ 7.00 (Item 11/per cubic yard)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Autoclave. (183632)

Getinge Castle Inc. - \$36,218.52* (Total net bid)
*Plus applicable sales tax

POLICE DEPARTMENT/FIELD SERVICES DIVISION: Nine-Foot Stop Stick Rack Kits. (036301)

StopTech, Ltd. - \$43,290.00 (Total net bid)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Playground Equipment & Installation. (785923)

Little Tikes Commercial Play Systems - \$15,978.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Escort Service

George Watley	Worldwide Entertainment	1121 East Waterman
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Renewal – Adult Entertainment

Lewis F. Self Jr.	Adult Entertainment Industries Inc. After Dark Video	7805 West Kellogg
Lewis F. Self Jr.	Adult Entertainment Industries Inc. After Dark Video	3721 South Broadway
Lewis F. Self Jr.	Adult Entertainment Industries Inc. After Dark Video	2809 North Broadway

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 292

Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
John R. Jabara	The Cedar Lounge*	3905 East 13th Street
Isabel Salome	Angela's Café*	10901 East Kellogg
Mary J. Sally Fallot	The Stetson	1021 West Harry
		<u>(Consumption off Premises)</u>
Mark Boswell	Midway Oil #11	895 South Woodlawn
<u>New Establishment</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Allen Moore	Two Fat Chefs*	111 West Douglas
<u>Special Events</u>	<u>April 27-28, 2002</u>	
Charla Sanderson	Newman University Renaissance Faire	3100 McCormick
	<u>May 10-11, 2002</u>	
Norton Jackson	Mexico Magico	City Lot at Rock Island/Waterman
	<u>May 10-12, 2002</u>	
Juanita Albert	Artichoke Sandwich Bar Wichita River Festival	Century II Drive
	<u>May 11, 2002</u>	
John Thien	Jet Bar-B-Q Wichita River Festival	South Riverside Park
	<u>May 13-15, 2002</u>	
Juanita Albert	Artichoke Sandwich Bar Wichita River Festival	Century II Drive
	<u>May 14-15, 2002</u>	
John Thien	Jet Bar-B-Q Wichita River Festival	South Riverside Park
	<u>May 16, 2002</u>	
John Thien	Jet Bar-B-Q Cajun Festival	Douglas at Century II
	<u>May 18, 2002</u>	
Billy D. Shew	Big Dog Motorcycles LLC Open House	1520 East Douglas
John Thien	Jet Bar-B-Q Wichita River Festival	Douglas and McLean – McLean Park
	<u>May 17-19, 2002</u>	
Juanita Albert	Artichoke Sandwich Bar Wichita River Festival	Century II Drive
	<u>May 19, 2002</u>	
Pat Audley	Artichoke Sandwich Bar Wichita River Festival	South Riverside Park

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 293

May 20, 2002

Juanita Albert

Artichoke Sandwich Bar Century II Drive
Wichita River Festival

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2002 Contract Maintenance Mill & Overlay Phase 2 - north of Kellogg, east of Tyler. 472-83477/132712/620333/662456) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV,V&VI) - \$589,000
- b) Central, from Hillside to 150 feet East of Vassar, and Hillside from the south line of Third Street to Central - Central and Hillside. (472-83039/448-89341/706822/636080/201288/779160) One lane of traffic in each direction. (District I&II) - \$2,610,000
- c) Main B, Sanitary Sewer #1 Relief Line in Pine Street between Market and Broadway - north of Central, east of Broadway. (468-83347/620329/661453) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$93,550
- d) Lateral 319, Four Mile Creek Sewer to serve Brentwood South Addition - east of Webb, north of Pawnee. (468-83353/743909/480597) Does not affect existing traffic. (District II) - \$213,000
- e) Water distribution system to serve Brentwood South Addition - east of Webb, north of Pawnee. (448-89635/735042/470712) Does not affect existing traffic. (District II) - \$119,000
- f) Water distribution system to serve Westridge Estates, Aberdeen Commercial, Duling & Aberdeen First Additions - north of 21st Street North, along 119th Street West. (448-89470/448-88944/448-88825/448-88826/734963/734968/734969/734970/470633/470638/470639/470640) Does not affect existing traffic. (District V) - \$179,480
- g) 2002 Contract maintenance street repairs and slurry seal - Phase 1 - north of 55th Street South, east of 135th Street West. (472-83496/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV,V&VI) - \$700,900
- h) Storm Water Drain 182 to serve The Legacy Addition - north of 47th Street South, west of Meridian. (468-83351/751306/485197) Does not affect existing traffic. (District IV) - \$240,000
- i) 2002 Contract maintenance arterial area concrete reconstruction Phase 3 - north of 55th Street south, east of Hoover. (472-83491/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, IV & VI) - \$250,000
- j) 2002 Contract maintenance street repairs and slurry seal Phase 2 - north of 55th Street South, east of Seneca (472-83497/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II& III) - \$522,000
- k) St. Paul/43rd Street South from the south line of Lot 52, Block 2, to the west line of Lot 18, Block 8, The Legacy Addition; St. Paul Circle from the north line of St. Paul to and including the cul-de-sac serving Lots 54 through 60, Block 2, The Legacy Addition; 43rd Street Court South from the

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 294

north line of 43rd Street South to and including the cul-de-sac serving Lots 61 through 66, Block 2, The Legacy Addition; Sidewalk on the south and east side of St. Paul/43rd Street South from the south line of Lot 52, Block 2, to the west line of Lot 18, Block 8 to serve The Legacy Addition - west of Meridian, at 44th Street South. (472-83440/765707/490818) Does not affect existing traffic. (District IV) - \$237,000

l) Lateral 1, Main 10, Four Mile Creek Sewer to serve Dillon 12th and Chapel Hill Additions - north of 13th Street North, east of Greenwich. (468-83084/743906/480594) Does not affect existing traffic (District II) - \$140,000

m) Lateral 2, Main 10, Four Mile Creek Sewer to serve Chapel Hill Addition - north of 13th Street North, east of Greenwich. (468-83085/743907/480595) Does not affect existing traffic. (District II) - \$127,000

n) Lateral 1, Main 11, Four Mile Creek Sewer to serve The Fairmount Addition - north of 21st Street North, west of 127th Street North. (468-83400/743912 /480600) Does not affect existing traffic. (District II) - \$278,000

o) Water distribution system to serve Chapel Hill Addition - north of 13th Street North, east of Greenwich. (448-89370/734932/470602) Does not affect existing traffic. (District II) - \$141,000.00

p) Water distribution system to serve Wilson Farms Third Addition - south of 21st Street North, west of Webb. (448-89657/735044/470714) Does not affect existing traffic. (District II) - \$72,000

q) Storm Water Sewer 545 to serve Auburn Hills 12th Addition - south of Maple, west of 135th Street West. (468-83181/751314/485205) Does not affect existing traffic. (District V) - \$136,000

Motion – carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE UNPLATTED TRACT NORTH OF 31ST STREET NORTH, WEST OF ARKANSAS AVENUE. (District VI)

Agenda Report No. 02-1202

The Petition has been signed by one owner, representing 100% of the improvement district.

The project will extend sanitary sewer service to a single-family home that is currently on a private septic tank system.

The Petition totals \$12,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-173

Resolution of findings of advisability and Resolution authorizing improving of Lateral 141, Main 4, Sanitary Sewer No. 23 (north of 31st Street North, west of Arkansas Avenue) 468-83427 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 295

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE THE FAIRMONT ADDITION – NORTH OF 21ST, WEST OF 127TH STREET EAST. (District II)

Agenda Report No. 02-1203

On February 5, 2002, the City Council approved a sanitary sewer project in The Fairmont Addition. An attempt to award a contract within the budget set by the Petition was unsuccessful. The developer has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

The project will serve a new residential development located north of 21st, west of 127th Street East.

The original Petition totaled \$136,000. The new Petition totals \$240,000 with \$120,000 assessed to the improvement district and \$120,000 paid by the Sanitary Sewer Utility.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-174

Resolution of findings of advisability and Resolution authorizing construction of Main 11, Four-Mile Creek Sewer (north of 21st, west of 127th Street East) 468-83399, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STORM WATER

PETITION TO CONSTRUCT A STORM WATER DRAIN TO SERVE BRENTWOOD SOUTH ADDITION – EAST OF WEBB, NORTH OF PAWNEE. (District II)

Agenda Report No. 02-1204

On January 15, 2002, the City Council approved a drainage project in Brentwood South Addition. An attempt to award a contract within the budget set by the Petition was unsuccessful. The developer has submitted a new Petition with an increased budget. The signature on the Petition represents 100% of the improvement district.

The project will serve a new residential development located east of Webb, north of Pawnee.

The original Petition totaled \$200,000. The new Petition totals \$400,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-175

Resolution amending Resolution No. R-02-037 pertaining to the construction of Storm Water Drain No. 181 (east of Webb, north of Pawnee) 468-83355, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 296

TRAFFIC SIGNALS

PETITION TO INSTALL TRAFFIC SIGNALS ON CENTRAL AVENUE AT SOCORA STREET. (District V)

Agenda Report No. 02-1205

The Petition has been signed by one owner, representing 100% of the improvement district.

A Petition by West Wichita Family Physicians is on file to construct the signals at Socora and Central. In connection with this Petition and the widening of Central, Bishop Carroll High School will participate in their share of the costs of the signals. This project will be constructed this summer with the Central Avenue improvement between Woodchuck and Tyler.

The Petition totals \$38,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-176

Resolution of findings of advisability and Resolution authorizing constructing traffic signals on Central Avenue at Socora, 472-83515, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

IMPROVEMENTS

PETITIONS FOR STREET PAVING, SANITARY SEWER, AND WATER DISTRIBUTION SYSTEMS TO SERVE NEVILLE WEST ADDITION – NORTH OF KELLOGG, EAST OF 167TH STREET WEST. (District V)

Agenda Report No. 02-1206

The Petitions have been signed by three owners, representing 100% of the improvement districts.

These projects will provide paving, sanitary sewer, and water service to a new commercial development.

The Petitions total \$1,076,000. The funding source is special assessments, except for a water line which includes Water Utility funding of \$81,000 for the cost of oversizing the line to serve future development outside the improvement district.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-177

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89668 (north of Kellogg, east of 167th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 297

RESOLUTION NO. 02-178

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89669 (north of Kellogg, east of 167th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-179

Resolution of findings of advisability and Resolution authorizing improving of Main 4, Cowskin Interceptor Sewer 448-83385 (north of Kellogg, east of 167th Street West) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-180

Resolution of findings of advisability and Resolution authorizing improving Woodbine Circle from the east line of 167th Street West to and including cul-de-sac, sidewalk constructed one side of Woodbine through the limits of the project (north of Kellogg, east of 167th Street West) 472-83500 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-181

Resolution of findings of advisability and Resolution authorizing constructing a left-turn lane from 167th Street West to Woodbine Circle, a right-turn lane from 167th Street West to Woodbine Circle, and a right-turn lane from Woodbine Circle to 167th Street West (north of Kellogg, east of 167th Street West) 472-83501, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-182

Resolution of findings of advisability and Resolution authorizing constructing a left-turn lane Woodbine to major entrance to Lot 11, Block 1, (north of Kellogg, east of 167th Street West) 472-83502, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-183

Resolution of findings of advisability and Resolution authorizing constructing a traffic signal system at the intersection of 167th Street West and Woodbine Circle, (north of Kellogg, east of 167th Street West) 472-83503, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures considered.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 298

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Street Dedication dated February 15, 2002 from Marion O. Newell, President of Newell Investment, Inc., for a tract of land located in the NW 1/4 of Sec. 35, Twp. 27 South, R-2-E of the 6th P.M., Sedgwick County, Kansas (127th St. OCA#735036). No cost to City.
- b) Street Dedication dated February 15, 2002 from John D. Greenstreet, President of Triple Crown, Inc., for a tract of land located in the NW 1/4 of Sec. 35, Twp. 27S, R-2-E of the 6th P.M., Sedgwick County, Kansas (127th St. OCA#735036). No cost to City.
- c) Drainage and Utility Easement dated November 13, 2001, from Chapel Hill Fellowship, A United Methodist Ministry, Inc., a Kansas Not For Profit Corporation, for a tract of land in Lot 1, Block 1, Chapel Hill Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- d) Sanitary Sewer Easement dated January 8, 2002, from Koch Real Estate Holdings, Inc., a Delaware Corporation for tracts of land in the SW 1/4 of Sec. 35, the NW 1/4 of Sec. 35, the SE 1/4 of Sec. 23, and Sec. 26, all being located in Twp. 26S, R-1-E of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- e) Temporary Easement dated January 24, 2002, from Fount K. Hartley Trust, Intrust Bank, N.A., Trustee, for tracts of land in Lot 1, Coleman -Detweiler Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- f) Sewer Easement dated February 11, 2002, from Mid America Auto Auction, Inc., for a tract of land in the SW 1/4 of Sec. 16, Twp. 28S, R-1-E of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- g) Sewer Easement dated March 5, 2002, from N.W. Development Corp., for a tract of land in the NE 1/4 Sec. 25, Twp. 26S, R-1-W of the 6th P.M., Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be
-- carried authorized. Motion carried 7 to 0.

PROFESSIONAL SER. PROFESSIONAL SERVICES SUPPLEMENTAL AGREEMENT – ELECTRICAL.

Agenda Report No. 02-1207

The City has undertaken a number of strategies to pursue the goal of reduction of electrical rates, including participation in cases before regulatory bodies and in the courts. The City has used the services of the law firm of Duncan & Allen to provide legal advice and assistance in electrical strategies and electrical rate proceedings under prior contracts for legal services.

This Supplemental Agreement provides the continued authority to pay for the services of the firm of Duncan & Allen for electrical power advice and representation in electrical proceedings, including the Western Resources rate design case before the Kansas Corporation Commission. The agreement also covers the cost of services of expert witnesses and related expenses necessary for these proceedings.

The Supplemental Agreement is for a not-to-exceed sum of \$140,000. Payment for these services will come from 2002 General Fund Appropriated Reserves.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 299

SETTLEMENT

SETTLEMENT AGREEMENT – BOTA.

Agenda Report No. 02-1208

The City filed a grievance with the Board of Tax Appeals against Sedgwick County regarding errors by the County in the distribution of real and personal property taxes and motor vehicle taxes for the tax years 1996 through 2000. Issues were also raised concerning the formula or mechanism used to distribute motor vehicle taxes.

Settlement negotiations were conducted and the proposed settlement is presented for City Council approval. The proposed settlement includes dismissal of the grievance by the City, the County paying the City the sum of \$200,000 and the understanding there will be a separate court action between the City and Sedgwick County regarding the interpretation of the statute concerning the formula for distribution of motor vehicle taxes, with all parties bearing their own costs.

The County will pay the City \$200,000 as part of the settlement agreement.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

VENDOR

INTERVIEW ROOM UPGRADES – SELECTION OF VENDOR.

Agenda Report No. 02-1209

The Investigations Division of the Wichita Police Department is in need of an updated audio/video system to monitor each of the six interview rooms during interviews and interrogations of prisoners, suspects, witnesses, and victims, in addition to audio and video recording for court presentations and appeal processes. Currently, only two interview rooms have video capability and the quality of the existing audio and video equipment is inadequate for the Division's needs. On January 11, 2001, A Request for Proposal (FP 200004) was sent to twelve vendors and six responded.

A selection committee of Department personnel reviewed the proposals. Each proposal was evaluated on the basis of meeting the specifications outlined in the proposal, the equipment proposed for the system, qualifications, experience, and cost. Based on these criteria, the committee selected Electronic Contracting Company. The total cost of \$42,560 is within the budgeted amount.

Funds have been allocated in the 1999 Local Law Enforcement Block Grant for the purchase of equipment to upgrade the Investigations Division interview rooms.

The Law Department will review and approve the contract as to form.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

LONG DISTANCE PH. LONG DISTANCE TELEPHONE SERVICE.

Agenda Report No. 02-1210

The previous long distance contract had reached its conclusion. A Request for Proposal was distributed to 23 firms; the City received ten responses.

In addition to price, responses were evaluated upon reliability and network redundancy, the availability of a local point of presence, electronic billing, one-time costs and the relative ease of data exchange with City systems.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 300

Qwest Communications, Inc., the incumbent carrier, met all operational criteria and offers the lowest overall rate among the responding carriers.

Long distance expenditures are expected to decrease.

The Law Department will review the contract as to form.

Motion --

-- carried

Knight moved that the Contract with Qwest Communication, Inc. for long distance telephone service for a period of one year, with two annual options to renew, be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

SEWER SERVICE

OAKLAWN WHOLESALE SEWER SERVICE CONTRACT AMENDMENT NO. 2.

Agenda Report No. 02-1211

The City of Wichita provides sanitary sewage treatment services to the Oaklawn Improvement District. The current Contract with Oaklawn specifies that sewage volumes entering the City's sanitary sewer collection system be metered to establish the volume-base for billing purposes. Currently, sewage volumes have been estimated.

Contract Amendment No. 2 will formalize what has been an established practice of estimating the volumes by stating the basis for the estimate. The Amendment contains a provision that the City can, with proper notice, modify the volume-base applying metering information that is carefully monitored, in the event of substantial population increases or suspicion of excessive inflow and infiltration levels into the collection system. This will apply to the Sunview collection system also, since the Sunview Improvement District's collection system flows into Oaklawn's.

There are no financial impacts associated with the approval of this Amendment.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION ENGINEERING FOR BRENTWOOD VILLAGE, BRENTWOOD SOUTH, AND MAPLE SHADE ADDITIONS. (District II)

Agenda Report No. 02-1212

The City Council approved the project on January 15, 2002. On March 5, 2002, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Brentwood Village, Brentwood South and Maple Shade Additions. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$92,264 and will be paid by special assessments.

Motion --

-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 301

DESIGN SERVICES SUPPLEMENTAL AGREEMENT FOR 31ST STREET NORTH – HOOD STREET TO ARKANSAS STREET. (District VI)

Agenda Report No. 02-1213

On November 21, 2000, the City entered into an Agreement with TranSystems Corporation for designing 31st Street North, from Hood to Arkansas. The fee was \$21,350.

TranSystems has been asked to revise the storm sewer alignment for 31st Street. The new storm sewer design will collect the runoff at the intersections, which caused problems with the initial scope. A Supplemental Agreement has been prepared.

Payment will be on a lump sum basis of \$4,770 and will be paid by special assessment and General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

ENCROACHMENT EASEMENT/SETBACK ENCROACHMENT AGREEMENT – 2303 NORTH AMIDON. (District V)

Agenda Report No. 02-1214

The Agreement allows BR&D Inc., to occupy and construct for 2303 N. Amidon, improvements over and across a public easement/setback described as a 40 ft. easement and setback combination as platted across Lot 2, Block A, Sweetbriar Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement/setback. The improvement is a temporary walk-in food cooler, which encroaches approximately 7 feet into the easement/setback on the above-mentioned property.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said water line lying within Tract "A" and from claims resulting from replacement or upgrade of lines and/or other department property in the easement/setback.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

ENCROACHMENT EASEMENT ENCROACHMENT AGREEMENT – 8505 BRIDLEWOOD. (District II)

Agenda Report No. 02-1215

The Agreement allows Andrew and Leah Gore to occupy and construct for 8505 Bridlewood, improvements over and across a public easement described as a 25 ft. easement centered along the southeasterly lot line of Lot 5, Block 2, Wilson Farms Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is an iron fence with concrete columns to extend 12 feet into the easement on the above-mentioned property.

The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other department property in the easement.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 302

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

RECRUITMENT SER. RECRUITMENT SERVICES CONTRACT.

Agenda Report No 02-1216

With the reorganization of the Airport structure, the City created the position of Assistant Director of Airports. The Assistant Director's position, will replace an existing management position, and be responsible for assisting the Director with management of all airport operations. Responsibilities will include, but are not limited to, assisting with the oversight of budget and financial matters, airport safety and security, facility management, tenant relationships and federal and state regulations. It is anticipated that this individual will be able to act on behalf of the Director and offer the Aviation Department a second-in-command position.

Initial activities to recruit an qualified and experienced airport management person have been unsuccessful. The next logical step is to retain the services of a consultant to assist in a recruitment process. The City solicited proposals from four search firms who specialize in executive search recruitment in the public sector. From that solicitation, staff is recommending the selection of MAXIMUS, Inc. based upon cost of services, experience and the qualifications of the firm.

The firm will be responsible for position analysis, advertisements in appropriate journals and publications, identification of suitable candidates, resume screening, candidate interviews, background checks and negotiations with candidates.

MAXIMUS, Inc. fee for recruitment is \$17,500 plus expenses. Funds are available from the Airport budget to offset the recruitment and selection costs.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES: SMITHMOOR 10TH ADDITION – NORTH OF PAWNEE, WEST OF GREENWICH. (District II)

Agenda Report No. 02-1217

The City Council approved the project on March 5, 2002.

The proposed Agreement between the City and K.E. Miller Engineering provides for the design of bond financed improvements in Smithmoor 10th Addition. Per Administrative Regulation 7a, staff recommends the selection of K.E. Miller as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$37,200, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 303

DESIGN SERVICES **AGREEMENT FOR DESIGN SERVICES: AUBURN HILLS 12TH ADDITION – WEST OF 135TH STREET WEST, SOUTH OF MAPLE.** (District V)

Agenda Report No. 02-1218

The City Council approved the project on November 14, 2000.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Auburn Hills 12th Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$18,600, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **AGREEMENT FOR DESIGN SERVICES: REECE FARMS ESTATE – SOUTH OF MAPLE, WEST OF 151ST STREET WEST.** (District V)

Agenda Report No. 02-1219

The City Council approved the project on April 14, 1998.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Reece Farms Estates. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$34,300, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **AGREEMENT FOR DESIGN SERVICES: DOWNTOWN SIGNALIZATION – ENGLISH AND EMPORIA; ENGLISH AND TOPEKA; EMPORIA AND THIRD; AND TOPEKA AND THIRD.** (Districts I and VI)

Agenda Report No. 02-1220

The City Council approved the project on September 18, 2001.

The proposed Agreement between George Butler Associates, Inc. provides for the design of traffic signal improvements (4 downtown locations). The Staff Screening & Selection Committee selected George Butler for the design on February 11, 2002.

Payment will be on a lump sum basis of \$13,600 and will be paid by General Obligation Bonds.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 304

LIMOUSINE

CERTIFICATE OF CONVENIENCE AND NECESSITY – LA LIMOUSINE.

Agenda Report No. 02-1221

On February 20, 2002, Wichita Transit staff received an application from Ms. Carolyn Abbott d/b/a LA Limousine, for a Certificate of Convenience and Necessity to operate a chartered limousine service in Wichita, Kansas. The application included support documentation, an insurance policy meeting code requirements, payment of fee, listing of employees names for police records check purposes and vehicle inspection report. This company currently has one limousine.

If approved for a license, LA Limousine will become the seventh licensed charter limousine service in the City of Wichita. This will be an added resource to those persons needing transportation services for special occasions.

There will be no financial impact on the City of Wichita.

The Department of Law is reviewing the Certificate of Convenience and Necessity and the policy of insurance submitted by Ms. Carolyn Abbott d/b/a LA Limousine. Approval is pending.

Motion --
-- carried

Knight moved that the Certificate of Convenience and Necessity for Carolyn Abbott to operate LA Limousine with up to three (3) vehicles be approved. Motion carried 7 to 0.

(Item No. 25)

MUN. COURT JUDGES POLICY ON EVALUATION PROCEDURES FOR MUNICIPAL COURT JUDGES.

Agenda Report No. 02-1222

As a result of a study conducted to establish formalized procedures to evaluate the performance and reappointment of municipal court judges, the City Council adopted Charter Ordinance No. 191 to provide that municipal court judges will be evaluated annually. The ordinance authorized the evaluation procedures to be established by the City Council. The policy is presented for adoption and implementation by the City Council.

The City Council Policy regarding the evaluation procedures for Wichita Municipal Court Judges establishes an evaluation committee, the evaluation procedures and criteria, administrative judge criteria, the annual evaluation process, the retention evaluation process, ratings system, confidentiality of records, and additional programs and training.

The City Council has the authority to adopt a policy to establish evaluation procedures for Wichita Municipal Court Judges.

Motion --
-- carried

Fearey moved that this Item be deferred one week for information regarding how certain evaluations feed into the project. Motion carried 7 to 0.

AREA NETWORK

WIDE AREA NETWORK.

Agenda Report No. 02-1223

Currently County personnel access the existing City Public Safety system via Telnet. With the new Police/Court system that will be implemented this summer, this will no longer be possible as this is a full client/server application. Therefore the County will have to have some way to run a client/server application, either by installing a client on users' PCs or by utilizing the City's Thin Client capability.

The City has recently implemented a new technology called Thin Client to allow a client/server application to simultaneously run the client portion for multiple users on a server instead of on each individual's PC. With this technology a users' PC acts as a "thin" client or essentially a terminal, requiring no client application and little local resources from the PC itself as everything runs on the

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 305

server. Further, this technology uses significantly less telecommunications bandwidth than does a PC acting as a traditional client.

If the County were to run the new Police/Court system via standard PC access to this client/server application, it would pose a significant support burden. This burden would include ensuring each County PC meets the minimum standards of the Police/Court application, installing and supporting the Police/Court client software, and upgrading each PC whenever the City Police/Court system is changed. Also, the network connection between the County and the City is not adequate to handle the increased traffic that would result. However, if the City were to make a Thin Client server running the Police/Court system available to County personnel, all of these problems would be removed.

Discussions were held with the Chief Technology Officer of the County, Richard Vogt, who has agreed that using Thin Client technology is the best course of action for County users. He also agreed to provide funding to establish this capability.

The implementation cost to establish the Thin Client server and enable the Police/Court system to run via Thin Client is \$33,640, which Sedgwick County has agreed to pay per Richard Vogt. If the Thin Client expansion is approved, the 2002 Revised Information Technology budget will reflect the equipment purchase and the County reimbursement.

Motion --
-- carried

Knight moved that the purchase of the Thin Client system be approved and the expenditure of funds be authorized. Motion carried 7 to 0.

STREET PROGRAM 2002 STREET REHABILITATION PROGRAM. (District VI)

Agenda Report No. 02-1224

The 2002 Capital Improvement Program includes a project to rehabilitate major streets.

The locations to be repaired in 2002 are Arkansas Avenue, from 37th to 45th Street North and 37th Street North, from the Little Arkansas River to Arkansas Avenue.

The project budget is \$300,000. The funding source is General Obligation Bonds.

Traffic on Arkansas Avenue will be restricted to one lane for approximately 30 days during the construction period.

Motion --
-- carried

Knight moved that the project be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Arkansas Avenue, from 37th Street North to 45th Street North and 37th Street North from Arkansas Avenue to the Little Arkansas River (20002 Street Rehabilitation Program, 472-83495, to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the rules laid over.

(Item No. 28)
KELLOGG IMP.

KELLOGG/TYLER AND MAIZE INTERCHANGES. (District V)

Agenda Report No. 02-1225.

On June 11, 1985, Wichita voters approved a referendum establishing a one percent Sales Tax. The revenues generated by this tax were dedicated to a reduction in property taxes, and improvements to the community's transportation network most specifically Kellogg Avenue.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 306

On June 10, 1997, the City entered into an agreement with PEC to begin preliminary design on West Kellogg, from Mid Continent Road to 151st St. West. Then, recognizing the traffic congestion on Kellogg at both Tyler Road and Maize Road, on November 3, 1998, the City Council directed staff to complete final construction plans for interchanges at those locations. In November 1999, The City Council adopted Ordinance 44-429, which authorizes construction and provides funding for the project.

The project design is nearing completion, and all necessary right-of-way has been acquired, although clearing activities are still ongoing. This project will provide a two-mile segment of six-lane freeway section from Mid Continent Road to one-half mile west of Maize Road.

The Agreement, dated June 10, 1997, with PEC provides that PEC, when authorized by Supplemental Agreement, will perform construction inspection and administration services.

Traffic will be carried through construction. Some temporary roadway construction will be required. It is expected the project will be let in May 2002, with construction beginning shortly thereafter.

Payment to PEC will be on a cost plus fixed fee basis in an amount not to exceed \$4,088,548. The total project cost for the West Kellogg Project is estimated to be \$80 million. Sedgwick County has committed \$10 million to assist in funding the project. The balance of funding will be provided by the City through the issuance of General Obligation Sales Tax Bonds with debt service payable from the annual proceeds of the Local Sales Tax.

This is Capital Improvement Project F-150003, and is authorized by Ordinance 44-429.

Motion --
-- carried

Knight moved that the Agreement be approved and bidding and necessary signatures be authorized.
Motion carried 7 to 0.

WATER MAINS

INSTALLATION OF WATER MAINS IN 21ST STREET NORTH - 119TH STREET WEST TO 135TH STREET WEST. (District V)

Agenda Report 02-1226

The City of Wichita provides treated drinking water to 368,000 people. The service population is projected to increase to over 450,000 by 2010. To ensure that future water needs of the service area are met, the Water and Sewer Department initiated a study of its water system. The Water Master Plan was completed in November 1999, and recommended a number of significant system improvements to ensure adequate service levels now and in the future.

The installation of water mains at the above location was recommended to provide City water service, thus allowing for growth and development of the area. The water line will also provide water service to the Northwest Main Pump Station site at 135th St. West and 21st St. North. The project will result in access to municipal water in an area currently served by private wells and increased fire protection for a portion of the area.

This project is scheduled in the CIP for 2003; however, Staff recommends constructing the project in 2002 to provide needed water service for the Northwest Sewage Treatment Pump Station.

Capital Improvement Program projects CIP W-838 and CIP W-839 have a combined budget of \$1.1 Million. The two projects are being combined to allow them to be constructed as a single project. Funding will be from Water Utility revenues and reserves, or a future revenue bond issue.

Motion -- carried

Knight moved that the project be approved and the Resolution be adopted. Motion carried 7 to 0

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 307

RESOLUTION NO. 02-184

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the Water and Sewer Utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$1.1 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BENTLY WELLFIELD BENTLEY RESERVE WELLFIELD.

Agenda Report No. 02-1227

On October 3, 2000, the City Council authorized projects to begin the development of new water supplies for the City. The projects are to develop the water supplies the City needs through the year 2050. One of the projects is to redevelop the Bentley Reserve Wellfield. At one time, the City had water supply wells adjacent to the Arkansas River, south of Bentley, named the Bentley Reserve Wellfield. The wells were installed in the mid-1950s to supplement the City's water supply during the intense drought that occurred from 1952-1956. Due to high salt content, the wells were eventually abandoned.

The recommendation in the Water Supply Plan is for new wells to be constructed at this site to provide water during peak summer days. Though the water would be salty, during peak summer days it could be diluted so that it would not affect the City's water quality. It is projected that ten (10) million gallons-per-day can be obtained from this wellfield.

This project is a candidate for design/build. A single contract would exist to acquire the engineering services to design and site the new wells, and to construct the needed improvements. By using the design/build approach, the engineer and contractor can work together to develop the most effective well designs as they obtain the hydrogeologic information. This should reduce cost and expedite completion of the wells and the facilities needed to operate them.

Estimated cost is \$1,250,000. Funding is available in Water Supply Plan (CIP W-549) that is dedicated to new water supply development. CIP W-549 has \$8,870,000 budgeted in 2002.

In accordance with Charter Ordinance 111, City Council approval is required for a "design/build" project.

Motion --
-- carried

Knight moved that the project be approved as a design/build and that Purchasing be authorized to issue Requests for Proposals. Motion carried 7 to 0.

RIVERSIDE PARK

RIVERSIDE PARK IMPROVEMENTS AND RENOVATIONS.

Agenda Report No. 02-1228

On October 19, 1999, the City Council authorized \$500,000 for the design of improvements and renovations in the Central Riverside Park area. On January 23, 2001, the City Council authorized an additional \$2,500,000 to begin construction at Central Riverside. During the course of the past year, neighborhood planning meetings have been held to determine the project's scope and detail.

The 2002-2011 Park and Recreation Capital Improvement Program (CIP) includes \$2,000,000 in 2004 for Central Riverside Park. Initiation of this budgeted funding at the current time will allow the construction phase of the project to be bid as one contract. The total budgeted projected cost is \$5,000,000.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 308

Funds are available within the City's 2002-2011 capital improvement budget to fund the improvements and renovations. The source of funding is General Obligation bonds.

Motion --
-- carried

Knight moved that the Resolution be adopted and the project initiation be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-185

A Resolution amending Resolution No. R-99-412 for designing and constructing renovations and improvements to the City of Wichita Riverside Park system by increasing the bonding authority in Section 2 thereof from \$3 million to \$5 million, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

VENDORS

AUTOMATION OF SEWER METERS – VENDORS.

Agenda Report No. 02-1229

On December 11, 2001, the City Council approved \$100,000 in expenditures to install automated sewer meters for certain industries and to incorporate the readings into the billing process in Banner software. The industries paid about \$3 million in sewer charges in 2001.

The total cost of the project will be approximately \$81,740. Of that total, \$72,650 (the transducers and their installation) will be reimbursed by the customer.

Recommended vendors and costs for the upgrade are:

- \$66,000 for transducers, to be purchased from Fluid Equipment
- \$6,650 for installation of transducers by Shelly Electric
- \$3,990 for calibration of transducers to assure proper readings and equipment functionality by Shelly Electric
- \$3,000 for ERT units for automated reading, to be purchased from Badger Meter Co.
- \$2,100 for Read One Programmer, to be purchased from Itron, Inc.

Funding is available in CIP S-541, Sewer Meter Installation.

Motion – carried

Knight moved that the purchases from the above-listed vendors be approved. Motion carried 7 to 0.

LAND/WATER CONS. GRANT APPLICATION TO LAND AND WATER CONSERVATION FUND.

Agenda Report No. 02-1230

The Water & Sewer Department has acquired 147 acres of land of which 10 acres will be dedicated to the Plant III treatment facility. The remaining acreage will be developed as an outdoors environmental classroom/laboratory for the Wetland Riparian Project. The area will be open to the public, include extensive planting along the banks of the Cowskin to develop a riparian corridor for wildlife refuge, and serve as a vegetative filtration zone to protect water quality in the Cowskin from sedimentation.

The Wetland Riparian Project will enhance and encourage development of the northwest area, along with complementing and embellishing the Great Plains Nature Center efforts. The nature facility will provide social, economic, and environmental benefits. Pathways, signage, and accessibility to nature and wildlife will present a unique opportunity for residents to learn and experience botanical and wildlife environment.

Federal grants were established in 1965 for the development of outdoor recreational facilities, or acquisition of land for outdoor recreation. There is approximately \$3 Million available from the National Park Service Land and Water Conservation Fund on an 80-20 matching basis. The wetland

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 309

project total is \$1,596,892. Funds for the 20% match are available in Northwest Sewage Treatment Plant (CIP S-512). The City will apply for a grant of \$1,277,514 to cover the remaining 80% of the cost for the project.

Motion --
-- carried

Knight moved that the grant application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

SETTLEMENT

SETTLEMENT OF CLAIM.

Agenda Report No. 02-1231

Claimant was arrested under a Bond Forfeiture Bench Warrant for a charge of Domestic Violence Battery which was issued on October 18, 1996 under the correct first and last name but to a person with a different middle initial. Claimant was held in the Sedgwick County detention facility before being released after his bond was reduced and was not provided a customary first appearance before a judge during his incarceration.

After investigating the claim, evaluating the extent of the claimed damages, and considering the risks of trial, the City determined that a resolution of this matter was appropriate. The City has been offered an opportunity to resolve the claim with a lump sum payment of \$14,188.00 as full settlement of all claims arising out of claimant's incarceration.

Funding for this settlement payment is from the tort liability fund.

Motion --
-- carried

Knight moved that the payment of \$14,188 as a full settlement of all possible claims arising out of the transactions which are the subject of the claim be authorized. Motion carried 7 to 0.

HOUSING PROGRAM TRANSFER OF 1739 EAST 24TH STREET PROPERTY.

Agenda Report No. 02-1232

The property at 1739 E. 24th Street is a 2 -bedroom home that was purchased December, 1994, and rehabilitated in 1995 as a revitalization project in the Rehabilitation and Investment Program (RIP Program). It was intended that following rehabilitation, the home would be sold to an owner-occupant. The home was fully rehabilitated but has remained vacant since 1994. To intensify efforts to sell the home, the property was listed with a Realtor; the listing did not result in interest in the property. The property was subsequently offered for sale to City employees, but did not result in a sale. Owner-carry back loan has also been offered as an incentive to sale the home. Currently, the home is in need of an approximate \$1,500 worth of repairs.

It is proposed to transfer of the property to the City's Public Housing program. This action will allow the City to rent the unit to an income eligible family and receive subsidy. The proposed transfer to the Public Housing Program would be to a project in which the unit could be sold to a resident and receive up to 50% deferred loan. Occupancy of the unit by a tenant will end the vacancy and could lead to tenant purchase of the unit in the future. Currently the Public Housing Program has over 500 families on the waiting list for a 2 bedroom unit.

The property can be absorbed by Public Housing as replacement unit for previously sold property. Property is eligible for participation in Public Housing Homeownership Program.

The property has been vacant for a long period of time. By including the unit in the Public Housing Program will result in income of \$350 rent with potential future sale of the home at market value. There are no liens on the property and, therefore, the property could be transferred to Public Housing without compensation. Public Housing will pay for present needed repairs as well as future repairs while it is on the Public Housing Program.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 310

Motion -- Knight moved that the transfer of ownership to Public Housing Program be approved and the necessary
-- carried signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF SANITARY SEWER EASEMENT – 3830 SOUTH BROADWAY.
(District IV)

Agenda Report No. 02-1233

The City Council has approved the construction a sanitary sewer line along South Broadway north of MacArthur. This approval was generated by a petition signed by more that half the affected property owners and requested that the line be constructed and paid for via an assessment district.

The permanent easement contains 1,990 square feet. The owner has agreed to grant the City the easement over and upon this parcel for \$1,000 (\$.50 per square foot).

A budget of \$1,000 is requested for the acquisition. The cost of the acquisition will be included in the assessment district.

Motion -- Knight moved that the budget and Utility Easement be approved; and the necessary signatures be
-- carried authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION OF 8200 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 02-1234

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. The property at 8200 East Kellogg is one of the required tracts. The site contains approximately 22,500 square feet and is improved with a 2,586 square foot fast food restaurant. The improvements were constructed in 1989. The proposed improvements to Kellogg will encroach into the building itself.

The property was appraised at \$760,000 in December 2001. This included \$580,000 for the building and land and \$180,000 for the fixtures and equipment. The owner has agreed to sell the property for a negotiated price of \$875,000. The owner will sign a standard form lease at a nominal rate and remain in occupancy, paying all expenses, until the property is needed for the Kellogg project

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be local sales tax revenues. A budget of \$906,000 is requested. This includes \$875,000 for the facility acquisition, \$15,000 for tenant relocation, \$15,000 for demolition, and \$1,000 for closing costs, surveys and title insurance.

Motion -- Knight moved that the budget and the Contract be approved; and the necessary signatures be
-- carried authorized. Motion carried 7 to 0.

PROPERTY ACQ. ACQUISITION BY EMINENT DOMAIN OF 7310 EAST KELLOGG FOR THE EAST KELLOGG/ROCK ROAD IMPROVEMENT PROJECT. (District II)

Agenda Report No. 02-1235

The total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition in December 2001. One of the required properties is the car dealership at 7310 East Kellogg owned by Rusty Eck Ford. The site contains approximately 11.88 acres and is improved with a

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 311

full service automobile sales and service facility. There are 98,244 square foot of improvements in two buildings.

Analysis: City staff and consultants hired by the City have been attempting to negotiate a purchase of the property but have been unable to reach an agreement with the owners. The property was appraised for the City at \$11,500,000 and this amount has been offered to the owner. A counter offer has not yet been received. Per Federal guidelines, offer values were set by review appraisals of certified appraisals. Staff will continue to negotiate with the owners, but due to the construction schedule for the project, eminent domain proceedings need to be initiated.

The cost of these acquisitions will be paid for by the City at large.

Motion --
-- carried

Knight moved that the Ordinance be placed on first reading and filing of documents by City Attorney with District Court be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance providing for the acquisition by eminent domain of certain private property, easements and right-of-way therein, for the purpose of acquiring real property for the construction and widening of Kellogg Avenue, in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the city attorney to file a petition I the district Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

PROPERTY DISP.

SALE OF SURPLUS PROPERTY – WEST OF RESIDENCE AT 817 NORTH ARAPAHO. (District V)

Agenda Report No. 02-1236

An offer of \$1,000 has been received from Leland and Marsha Beckner for a portion of the exception Northeast of West Central and the Floodway located directly behind and to the West of their property at 817 N. Arapaho. The exact legal description of the property is to be determined by a survey provided by the purchaser. City Council declared the exception as surplus on 5/30/95. The property was acquired at no cost to the City as an exception in the platting process of West Central Gardens Third Addition. The property is currently vacant and contains approximately 11,500 square feet. The property will be utilized by the proposed purchasers for extra yard space for their property at 817 North Arapaho.

Due to the location and inaccessibility of the tract, the adjacent homeowner is the sole market for the property. Two other homeowners in this area have previously purchased sites adjacent to their properties for \$1000.00 each. Many of the other property owners have already fenced or improved with buildings that portion adjacent to their property and provide regular maintenance. If these other properties are to be sold in the future, they will be sold in such a way as to not landlock or block access to City owned property.

The City will receive cash consideration from the sale of the property at closing. The tract is currently exempted from property taxes. After the property is sold, the property will return to the tax rolls which will place additional value into the tax base. The City will receive all proceeds from the sale minus any associated administrative costs. The proposed purchaser will be responsible for a survey lot split, and one half of the closing costs.

Motion --
-- carried

Knight moved that the Contracts be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 312

BUTLER PAVING

AMENDING RESOLUTION – BUTLER STREET PAVING, FROM K-15 HIGHWAY TO CLIFTON. (District III)

Agenda Report No. 02-1237

On March 2, 1999, the City Council approved a Petition to pave Butler, from K-15 Highway to Clifton. There was an error in the description of the improvement district.

An amending Resolution has been prepared to correct the error.

The project budget is unchanged.

State Statutes provide the City Council authority to modify an improvement district by amending Resolution.

Motion -- carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-186

A Resolution amending Resolution No. R99-082 authorizing improving of Butler, from the east line of K-15 Highway to the west line of Clifton, Project No. 472-83080 in the City of Wichita, Kansas, pursuant to Findings of Advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

KELLOGG/ROCK

KELLOGG/ROCK ROAD INTERCHANGE. (District II)

Agenda Report No. 02-1238

In May 2001, the City Council adopted Ordinance No. 44-971. That Ordinance provided local funding in the amount of \$27,210,000 for the Kellogg/Rock Road Interchange project. These funds have been used for design and right-of-way purchases.

In February 2002, the City Council adopted the 2002-2011 Capital Improvement Program (CIP). The Kellogg/Rock Road Interchange is included in the CIP as project F-32. Right-of-way acquisition for the project has started. Construction is estimated to begin in late 2003.

An Ordinance has been prepared to authorize funding for the project.

The total estimated cost of the project is \$105,000,000. The estimated local share is \$70,348,000. The remainder will be paid from State System Enhancement Funding. The funding source for the local share is Local Sales Tax.

Motion – carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, amending Sections 3 and 5 of Ordinance No. 44-971 of the City, in order to restate the estimated cost of improvements and the manner of payment of said improvements therein authorized, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 313

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MARCH 19, 2002)

- a) Permanent easements for sanitary sewer on South Broadway. (District IV)

ORDINANCE NO. 45-244

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring easements for sanitary sewer construction on South Broadway Avenue north of MacArthur Road in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Tract for Hoover Drainage Project. (District V)

ORDINANCE NO. 45-245

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction and improvement of drainage east of Hoover and north of Highway K-42, in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Z-3293 - west of Seneca, on the north side of MacArthur Road. (District IV)

ORDINANCE NO. 45-246

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. Z-3293

- d) Z-3340 - north side of Kellogg between 127th Street East and 143rd Street East. (District II)

ORDINANCE NO. 45-247

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. Z-3340

- e) DR2000-00012 – South Wichita Haysville Area Plan. (Districts III and IV)

ORDINANCE NO. 45-248

An Ordinance adopting the South Wichita Haysville Area Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 314

- f) A 02-01 – one-half mile north of the intersection of 47th Street south and West Street.

ORDINANCE NO. 45-249

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A 02-01

- f) Special Election - Sports Commission Regional Events Facility.

ORDINANCE NO. 45-243

AN ORDINANCE OF THE CITY OF WICHITA, KANSAS, PROVIDING FOR THE CALLING OF A SPECIAL ELECTION ON THE QUESTION OF IMPOSING A ONE-HALF PERCENT (.50%) CITYWIDE RETAILERS' SALES TAX TO BE EFFECTIVE OCTOBER 1, 2002, FOR A TERM OF THIRTEEN YEARS, FOR THE PURPOSES OF 1) FINANCING THE CONSTRUCTION AND OPERATION OF A REGIONAL SPORTS AND ENTERTAINMENT CENTER AND RENOVATIONS TO THE KANSAS COLISEUM, INCLUDING PROVISION FOR THE PAYMENT OF ANY GENERAL OBLIGATION OR REVENUE BONDS BACKED BY A PLEDGE OF CITYWIDE RETAILERS' SALES TAX REVENUES AND ISSUED FOR SUCH PURPOSES AND THE FUNDING OF RESERVES FOR MAINTENANCE AND OPERATING COSTS OF SUCH FACILITIES, 2) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF A PROGRAM ESTABLISHED UNDER A SEPARATE ORDINANCE OF THE CITY FOR REBATE OF A PORTION OF THE CITYWIDE RETAILERS' SALES TAX PAID BY QUALIFIED SENIOR CITIZENS, 3) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF A PROGRAM ESTABLISHED UNDER A SEPARATE ORDINANCE OF THE CITY FOR REBATE OF THE CITYWIDE RETAILERS' SALES TAX AND AN ALLOWANCE EQUAL TO THE COUNTYWIDE RETAILERS' SALES TAX COLLECTED ON THE SALES PRICE OF ANY NEW OR USED AUTOMOBILE SOLD WITHIN THE CITY OF WICHITA BY AN AUTOMOBILE DEALER, AND 4) PAYING, ON A BASIS SUBORDINATE TO PAYMENT OF DEBT SERVICE ON ANY BONDS, THE COSTS OF INFRASTRUCTURE IMPROVEMENTS RELATED TO THE REGIONAL SPORTS AND ENTERTAINMENT CENTER AND COSTS ASSOCIATED WITH YOUTH SPORTS PROGRAMMING AND FACILITIES IN THE CITY; STATING THE PURPOSE FOR WHICH THE REVENUES GENERATED BY SUCH CITYWIDE RETAILERS' SALES TAX ARE TO BE USED, AND STATING THE TIME OF THE SPECIAL ELECTION THEREFOR, ; AUTHORIZING AND PROVIDING FOR THE CALLING OF SUCH SPECIAL ELECTION TO BE HELD IN THE CITY OF WICHITA ON TUESDAY, MAY 21, 2002, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY THE PROPOSITION OF ENACTING SUCH CITYWIDE RETAILERS' SALES TAX; AND AUTHORIZING AND PROVIDING FOR THE CONDUCTING OF SAID SPECIAL ELECTION; AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH SPECIAL ELECTION, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVING PROJECTS: (FIRST READ MARCH 19, 2002)

- a) (490-715/765604/472-81275)

ORDINANCE NO. 45-223

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving Lewis Street, from the east line of Greenwich Road, east to the east line of Schofield-Hatchett Fourth Addition (north of Kellogg, east of Greenwich), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 315

b) (490-555/764522/472-82855)

ORDINANCE NO. 45-224

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Mead, from the north line of Douglas to the south line of First Street (east of Broadway, south of Central), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

c) (490-760/765649/472-82872)

ORDINANCE NO. 45-225

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5; Pepper Ridge Courts serving Lots 45 thru 50, Block 1, and serving Lots 51 thru 59, Block 1, and; Sidewalk on the east side of Pepper Ridge from the south line of Lot 1, Block 5, to the north line of Lot 11, Block 5 (north of 29th Street North, east of Tyler), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

d) (490-750/765639/472-83031)

ORDINANCE NO. 45-226

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Bedford/Killarney/Ritchfield, from the south line of Lot 57, Block 1 to the south line of Lot 14, Block 4; Bedford, from the north line of Killarney to the north line of Lot 63, Block 1; Bedford Court, serving Lots 16 thru 24, Block 3; and Sidewalk on the east, south, and west side of Bedford/Killarney/Ritchfield (north of Central, east of Greenwich), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

e) (490-689/765578/472-83062)
This Item deferred until April 2, 2002 Meeting

f) (490-691/765580/472-83080)

ORDINANCE NO. 45-227

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Butler from the east line of K-15 State Highway to the west line of Clifton (south of 31st Street South, east and west of Hillside), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

g) (490-684/765573/472-83083)

ORDINANCE NO. 45-228

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Rita, from the east line of West Street to Kessler, and Kessler from Rita to the south line of Jewell (north of Pawnee, east of West), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 316

h) (490-759/765648/472-83109)

ORDINANCE NO. 45-229

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Mount Vernon from the east line of Lot 3, Block 5, to the east line of Lot 20, Block 6; Longlake Street from the east line of Lot 10, Block 6, to the southeasterly line of Lot 16, Block 6; Justin Street from the southeasterly line of Lot 16, Block 6 to the north line of Mount Vernon, and; Justin Circle from south line of Mount Vernon to and including cul-de-sac, (south of Harry, west of Greenwich). read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

i) (490-751/765640/472-83122)

ORDINANCE NO. 45-230

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Cranbrook from the north line of Lot 1, Block 6, south to the south line of the plat; Mt. Vernon Street from the east line of Cranbrook, east of the east line of the plat; and Sidewalk along both sides of Cranbrook from the north line of Lot 1, Block 6, south of the south line of the plat (south of Harry, east of Webb), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

j) (490-704/765593/472-83128)

ORDINANCE NO. 45-231

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of 32nd Street North from Fairview to and including a Hammerhead Turnaround east of the Drainage Ditch (north of 29th Street North, west of Broadway), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

k) (490-713/765602/472-83146)

ORDINANCE NO. 45-232

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Flora from the north line of St. Louis Avenue to the south line of Killingsworth Addition (south of Central, east of Hoover), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

l) (490-719/765608/472-83150)

ORDINANCE NO. 45-233

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Fairview, from the north line of 32nd Street North to the south line of 33rd Street North, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 317

m) (490-734/765623/472-83188)

ORDINANCE NO. 45-234

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of University Avenue from the east line of Knight Street to the west line of Sheridan Avenue (south of Maple, west of West Street), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

n) (490-735/765624/472-83193)
This Item deferred until April 2, 2002 Meeting.

o) (490-740/765629/472-83210)

ORDINANCE NO. 45-235

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Bullinger, from 120' north of the north line of 26th Street North to the south line of 27th Street North (south of 29th Street North, west of Meridian), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

p) (490-742/765631/472-83234)

ORDINANCE NO. 45-236

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Central Park, Parkridge, Central Park Courts, Parkridge Court, and; Sidewalk on one side of Central Park and Parkridge, (south of 29th Street North, east of 119th Street West), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

q) (490-753/765642/472-83249)

ORDINANCE NO. 45-237

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Clear Creek Circle from the north line of Gilbert, north to and including the cul-de-sac; and on Gilbert, from the east line of Lot 1, Block 7, west to the west line of the plat (south of Kellogg, east of 127th Street East), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

r) (490-769/765658/472-83251)

ORDINANCE NO. 45-238

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of constructing a Traffic Signal to serve the intersection of 21st Street North and Bradley Fair Parkway (south of 21st Street North, west of Webb Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 318

s) (490-755/765644/472-83255)

ORDINANCE NO. 45-239

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Rutgers, Ryan, Central Park, Ryan Circle, Rutgers Court, Sterling, Sterling/Parkdale, Parkdale; and Sidewalk along the west and north side of Rutgers/Central Park; on the west side of Sterling/Rutgers and the east side of Parkdale from the south line of Lot 11, Block 7, to Parkdale (north of 21st Street, west of Maize Road), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

t) (490-763/765652/472-83257)

ORDINANCE NO. 45-240

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Killenwood from the east line of Greenwich to the west line of Reserve B (south of 13th Street North, east of Greenwich), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

u) (490-764/765653/472-83268)

ORDINANCE NO. 45-241

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Killenwood Court from the north line of Killenwood to and including the cul-de-sac serving Lots 1 through 10, Block 1 (south of 13th, east of Greenwich), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

v) (490-788/765677/472-83312)

ORDINANCE NO. 45-242

An Ordinance levying assessments on lots, pieces, and parcels of land in the City of Wichita, of paying a portion of the cost of improving of Ellson, from the west of Ells on to and including the cul-de-sac, serving Lots 1 through 4, Block 1, Ellson Court Addition (south of Central, east of Greenwich), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PLANNING AGENDA

Marvin Krout

Director of Planning stated that the Planning Agenda could be considered as consensus, unless the Council desired to withhold Items.

Motion --
-- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

SUB2000-105

SUB2000-105 – REPLAT OF PART OF K.T. WIEDEMANN BUSINESS PARK ADDITION - SOUTH SIDE OF KELLOGG, WEST OF GREENWICH. (District II)

Agenda Report No. 02-1239

Staff Recommendation: Approve the plat.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 319

MAPC Recommendation: Approve the plat. (9-0)

This plat is zoned GC, General Commercial and is subject to a Community Unit Plan (DP-88).

Petitions, all 100%, have been submitted for sanitary sewer, water, paving improvements. A Certificate of Petitions has also been submitted. A CUP Certificate was provided identifying the approved CUP and its special conditions for development.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and CUP Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-187

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89629, (south of Kellogg, west of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-188

Resolution of findings of advisability and Resolution authorizing construction of Lateral 25, Main 13, War Industries Sewer (south of Kellogg, west of Greenwich), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2001-82

SUB2001-82 – PLAT OF HAAG INDUSTRIAL PARK ADDITION – SOUTH OF K-42, WEST SIDE OF RIDGE ROAD. (District V)

Agenda Report No. 02-1240

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

A zone change (ZON 2001-30) from RR, Rural Residential and SF-20, Single-Family Residential to LI, Limited Industrial has been approved by the Sedgwick County Commission for this site subject to platting. Subsequent to the zone change, the site has been annexed by the City. The plat is also subject to a Protective Overlay established by ZON-2001-30, addressing permitted uses

Petitions, all 100%, have been submitted for sewer, water, paving and street improvements. A Certificate of Petitions has also been submitted.

The site is within the noise impact area of Wichita Mid-Continent Airport and an avigational easement and restrictive covenant were required. A Protective Overlay Certificate was provided identifying the approved Protective Overlay.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, avigational easement, restrictive covenant, and Protective Overlay Certificate will be recorded with the Register of Deeds.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 320

Motion --

-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2001-30 Ordinance be placed of first reading. Motion carried 7 to 0.

RESOLUTION NO. 02-189

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89679, (south of K-42 Highway, west of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-190

Resolution of findings of advisability and Resolution authorizing construction of Lateral 483, Southwest Interceptor Sewer (468-83424) (south of K-42 Highway, west of Ridge), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-191

Resolution of findings of advisability and Resolution authorizing improving of 34th Street South, from the west line of Ridge Road, west to the west line of the Plat, and on Woodchuck from the south line of 34th Street South, south to the south line of the Plat (south of K-42 Highway, west of Ridge), 472-83526, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-192

Resolution of findings of advisability and Resolution authorizing construction of a left turn lane and right turn lane on Ridge Road to serve 34th Street South (472-83527), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications of districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04-010, introduced and under the rules laid over. ZON2001-30

SUB2001-109

SUB2001-109 – PLAT OF THUNDERBIRD OFFICE PARK ADDITION – SOUTHWEST CORNER OF 119TH STREET WEST AND MAPLE. (District V)

Agenda Report No. 02-1241

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (14-0)

A zone change (ZON 2001-36) from SF-5, Single-Family Residential to GO. General Office been approved for this site subject to platting. The site is also subject to a Protective Overlay (P-O #99) established by ZON 2001-36 addressing permitted uses, density, signage, lighting, landscape buffers and architecture controls.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 321

Petitions, both 100%, have been submitted for sewer and drainage improvements. A Certificate of Petitions has also been submitted. A cross-lot access agreement was provided. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, restrictive covenant, cross-lot access agreement and Protective Overlay Certificate will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2001-36 Ordinance be placed of first reading. Motion carried 7 to 0.

RESOLUTION NO. 02-193

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 568 (west of 119th Street West, south of Maple) 468-83246, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-194

Resolution of findings of advisability and Resolution authorizing construction of Lateral 35, Main 1, Cowskin Interceptor Sewer (west of 119th Street West, south of Maple) 472-83425, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications of districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by the City of Wichita Code Section 28.04-010, introduced and under the rules laid over. ZON2001-36

DED2002-06

DED2002-06 – DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED BETWEEN TERRACE AND PERSHING, NORTH OF CENTRAL. (District II)

Agenda Report No. 02-1242

MAPC Recommendation: Accept the dedication.

As a requirement of Zoning Case No. ZON 2001 -50, this dedication is being made for complete access control along Central.

The dedication has been reviewed and approved by the Planning Commission.

Motion --

-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 322

DED2002-07

DED2002-07 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED ON THE WEST SIDE OF MERIDIAN, SOUTH OF 13TH STREET NORTH. (District VI)

Agenda Report No. 02-1243

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split Case No. SUB 2002-10, and is being dedicated for additional street right-of-way along St. Paul.

The Dedication has been reviewed and approved by the Planning Commission.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

DED2002-08

DED2002-08 – DEDICATION OF UTILITY EASEMENT FOR PROPERTY LOCATED ON THE WEST SIDE OF MERIDIAN, SOUTH OF 13TH STREET NORTH. (District VI)

Agenda Report No. 02-1244

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. SUB 2002-10, and is being dedicated for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

(Item No. 49)
ZON2002-00003

ZON2002-00003 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL AND CUP2002-00002 – CREATION OF THE FLATCOAT III COMMUNITY UNIT PLAN – NORTH OF I-235, EAST OF WEST STREET. (District IV)

Agenda Report No. 02-1245

MAPC Recommendation: February 21, 2002, approved "LC" Limited Commercial zoning subject to conditions (10-2); March 5, 2002, approved the creation of the Community Unit Plan. (10-2).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to staff recommendation and conditions. (3-2).

The applicant is requesting the creation of DP-258 Flatcoat III Community Unit Plan for a very large self-service storage warehouse development on an 18.53-acre tract. The request was originally filed for "GC" General Commercial zoning, but has been changed to a request for "LC" Limited Commercial.

The application area is located on the northeast corner of the I-235/West Street interchange. Access is proposed from Calvert Street, a local residential street bordering the north of the application area. The Protection Drainage Ditch separates the site from Calvert Street. This is a major drainage ditch extending several miles along the northern side of I-235 and eventually connecting with the Arkansas River. The area to the north is a single-family residential neighborhood with homes built in the 1960s and 1970s and is generally well maintained. Many of these homes have exteriors of wood and brick with gable roofs.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 323

The site is bounded on the south by I-235. Two large tracts are located to the east/northeast. These are Cleveland Traditional Magnet School and the YMCA South Branch. Industrial and commercial uses are located to the west of West Street.

The applicant submitted a revised site plan and an architectural rendering for the proposed self-service storage warehouse development with 32 mini-storage buildings on the interior of the site plus over 1/3-mile long continuous wall (exterior of the building) on the north and a longer wall (exterior of the building) on the south. The north wall is visually articulated with building wall insets, vertical columns, and wrought iron fencing between the insets. An office/residence is located near the west entry. The C.U.P. maximum building coverage would allow a maximum of 280,450 square feet of building coverage and a maximum building height of 18 feet, and the revised site plan showed 170,000 square feet of building area. The backs of the storage units form the exterior walls and have no overhead doors. Proposed building materials are tan metal panel walls with brown trim and brown pressed metal roofs with a low pitch except for a drivet type system on the northern façade.

Prototype landscaping is shown around the perimeter of the buildings on the rendering, and is specified as being at 1½ times that required by the Landscape Ordinance on the C.U.P. drawing. Lighting is per Unified Zoning Code with the additional restriction of all exterior lighting being attached to the buildings. Proposed signage restrictions are a ban on flashing, rotating or moving signs, portable signs, off-site signs, banners and pennants. Otherwise signage would be per code.

The proposed CUP meets the Conditional Use standards of Section III-D.6.y for self-service warehouses located in the "GO" General Office and "LC" Limited Commercial districts except in the two respects. First, the site is not contiguous with a less restrictive zoning district. It is contiguous only with right-of-way for I-235, West Street (for a short frontage of 39 feet), and the Protection Drainage Ditch. The zoning across the streets to the north and east is "SF-5" and to the west is "LI" Limited Industrial. Second, the site does not have direct access onto an arterial street (West Street); the access is located one block to the east via Calvert Street. The applicant's original request for "GC" zoning was meant to avoid the need for a variance of these standards. However, the latest amendments to the Unified Zoning Code allow the appropriate governing body to waive or modify these standards as a part of the Conditional Use (or in this case C.U.P.) review/approval.

At the MAPC meeting held February 21, 2002, MAPC voted (10-2) to approve "LC" Limited Commercial for the application area but to defer action on the C.U.P. request. This deferral was to allow the applicant and staff to work toward resolving issues about the scale and compatibility of the large project with the nearby residential neighborhood.

Staff was recommending grouping the buildings into clusters more consistent with other size mini-storage projects in Wichita, typically around three to four acres in size. Each cluster would be visually separated to reduce the mass of the project. Other concerns were use of building materials with a residential character and roof pitch, and enhancing the visual corridor along I-235. Staff's recommendation for approval was based on achieving these objectives to mitigate the development's impact on the neighborhood and visual corridor.

The District IV Advisory Board considered this application at its meeting held on March 6th and voted (3-2) to recommend approval subject to staff recommendations. Many residents from the Southwest Village Neighborhood Association were present and spoke in opposition. Prime concerns were drainage and traffic. Drainage was repeatedly noted as a threat. The neighbors stated that the Protection Drainage Ditch is not adequately handling the current runoff, and this would be worsened by the development. The other concern was traffic from trucks using the storage facility, the inadequate turning radius from West Street to Calvert Street, and not wanting the entrance across from Calvert Court.

At the MAPC meeting held March 7, 2002, MAPC voted (10-2) to recommend approval subject to staff recommendations with the following modifications: the continuous wall (back of the exterior buildings) would be allowed as long as it had insets with wrought iron and landscaping, drivet type exterior was required for the north elevation but not along I-235, all signage along Calvert was eliminated, very low pitch roofs were allowed, and the location of the entrance could be shifted east of Calvert Court subject to further study by the traffic engineer. Since the MAPC meeting, drainage and traffic issues have been

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 324

evaluated by the Public Works Engineering staff. Drainage needs that result from this development are intended to be handled through on-site detention requirements when the property is platted. The traffic engineer's analysis indicates that the applicant will need to increase the curb radius for vehicles turning right from northbound West Street to eastbound Calvert.

Protest petitions representing 40 percent of the property within 200 feet of the application area have been filed against the "LC" zoning request. This protest means it will take a vote of six council members to approve the rezoning.

Motion --

Gale moved that, having followed this case, heard the discussion at DAB IV meeting, the minutes of the MAPC hearing, read the correspondence from neighborhood representatives and from the Traffic Engineer, and found the "findings" in the letter titled "Southwest Village Reply to the Golden Rules," the following findings of fact be approved:

1. Zoning, uses and character of the neighborhood. As the neighborhood letter points out, residential uses share a half-mile boundary with the site in question along the north, and the community facilities that are in the area, such as the YMCA and elementary school, compliment the residential character of the area. I share the neighbors' concern the scale and architectural character of the proposed development would not be consistent with the surrounding land uses. While the MAPD staff did recommend approval, they had concerns about the fact that this proposed development was much larger in scale than any other such facilities in the city, and their recommendation was conditioned on having the applicant submit revised design plans that were more compatible in terms of scale and massing of buildings, selection of materials, and architectural details. They were looking for a project more in keeping with the recent projects that have been approved by the Council and developed at locations like Kellogg/Hillside and Maize/Douglas. Neither the staff nor I am satisfied that the restrictions as required by the MAPC are sufficient to make this a compatible neighbor.
2. Suitability of the property for the uses to which it is currently restricted. The neighborhood letter indicates that there is developer interest in housing for this property, and MAPD staff in their report also indicated that some type of residential use would be feasible. There are other uses permitted in the SF-5 district, such as churches, which are now commonly locating on freeway frontages, that would also be suitable for the property. The applicant has not presented any evidence that this property cannot be developed under the SF-5 classification.
3. Detrimental impact on nearby properties. The neighborhood letter points out that the scale, appearance, and traffic generated by the proposed use will negatively impact the use and enjoyment of their neighborhood.
4. Time property has remained vacant as zoned. The neighborhood letter points out that while the property has been vacant for many years, there have not been strong efforts to market and sell the property over those years, and the applicant has not supplied us with any evidence to the contrary.
5. Conformance of the requested change to the Comprehensive Plan. As the letter indicates, the proposed use is inconsistent with the designation of this site in the Comprehensive Plan for low density residential uses, and the proposed half-mile wall of metal siding along I235 as recommended by the MAPC is inconsistent with the Plan's objective of improving the city's visual appearance along its major travel corridors.
6. Effect on public health, safety and welfare. I thought the statistics presented by the neighborhood, showing this is presently a low-crime area and attributing this at least in part to the isolation from commercial uses, is a valid consideration.
7. Impact on community facilities. I understand from the Traffic Engineer's report that he will require widening of the curve radius at West Street and Calvert to make the truck movements smoother to the site, and I understand that the traffic levels will not exceed the capacity of the streets. The neighborhood made a valid point in their letter about how it is not just the volume, but the type of traffic generated by this use -- with more trucks and trailers and the drivers likely to take less care than if it was their own neighborhood -- that also should be considered.
8. Opposition or support of neighborhood residents. (There were official protests and over-400 signatures from the larger neighborhood indicated widespread opposition to the request)
9. Recommendations of professional staff.. MAPD staff has not been satisfied with the design drawings volunteered by the applicant and accepted by the MAPC, and as the Director indicated this morning, staff does not feel that design concerns have been sufficiently addressed to warrant their favorable recommendation)

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 325

-- carried

Therefore, based on the findings in the neighborhood letter plus my additional comments this morning, I move that the City Council override the recommendations of the MAPC and deny the requested zone change and Community Unit Plan. Motion carried 7-0.

ZON2002-00005

ZON2002-00005 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL FOR UNSPECIFIED COMMERCIAL DEVELOPMENT – LOCATED APPROXIMATELY 600 FEET SOUTHEAST OF THE HARRY/WEBB STREETS INTERSECTION. (District II)

Agenda Report No. 02-1246

MAPC Recommendation: Approve, subject to platting within one-year. (12-0)

Staff Recommendation: Approve, subject to platting within one-year.

The applicant requests a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial on the southern 2/3rd of a 2.25 acre unplatted tract located approximately 600-feet southeast off the Harry Street - Webb Road intersection. The northern 1/3rd of the property is currently zoned “LC” Limited Commercial. The applicant wants the whole tract to be “LC” Limited Commercial. The applicant proposes to market the property for an unspecified commercial use. There is a residence on the property.

The site’s location is abutting extensive commercial development at this intersection. The northwest corner’s “LC” Limited Commercial zoning is approximately 6.23 acres (all acreage is approximate) and contains a Super Dillons with a 5 double pump gas island. North of the Dillions there are 1.6 acres of undeveloped “LC” property. The 0.59-acre northeast corner has a bank on it, followed by (going north from this site) a 1.89-acre supper club, liquor store, beauty shop and 2.24 acres containing a retail strip; all zoned “LC” Limited Commercial. North of these commercial developments there are single family and duplex developments. The southwest corner contains a 1.34-acre Walgreen and a 1.54-acre McDonalds; all zoned “LC” Limited Commercial. There is undeveloped “LC” Limited Commercial south of these developments and “GO” General Office zoning. The “LC” Limited Commercial zoning, which is southwest of the site, was approved subject to a restrictive covenant limiting it to “BB” Office zoning uses and a car wash. “BB” Office zoning is now “GO” General Office zoning. This property owner has applied for ‘LC’ Limited Commercial zoning along with the southern abutting property. The properties directly north of the site and southeast of the intersection are a 1.03 acre Quick Trip and a ¾ acre taco/fast food drive through. There is extensive single family and multi-family residential development in the area.

The site is unplatted. The northern 1/3rd of the property zoned “LC” Limited Commercial represents a portion of the original 600-foot by 600-foot square of commercial nodes established at the four corners of sectional roads in the 1958 Zoning Map of Sedgwick County. The applicant applied for a zoning change of “LC” Light Commercial from “SF-5” Single Family Residential on this property 07-18-91, SCZ-0630. The applicant did not have a specific use at that time and the nearby areas zoned “LC” had not been extensively developed. Staff did not recommend the request for the zoning change and the request was denied by the MAPC. “LC” Light Commercial zoning became “LC” Limited Commercial in 1996, per ordinance and resolution.

The site has access to Webb Road, classified as a 4-lane arterial. At this location it currently has 4-lanes. The traffic counts at the Webb Road – Harry Street intersection are 20,932 ATD on the east end of the intersection, 18,731 ATD on the north end of the intersection, 13,792 ATD on the west end of the intersection and 10,275 ATD on the south end of the intersection. The intersection is 4 lanes with a turn lane and decel lanes. Access onto Webb, including aligning access with the property across the street and determining the need for any additional turn lanes, and the need for cross lot access to abutting properties, can be addressed as part of the platting process. Public water and sewer are available.

The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Commercial” development. Commercial development includes convenience centers, neighborhood centers, and large-scale retail. Convenience centers require 4-5 acres and are located along the intersections of

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 326

arterials, where proper turn lanes are in place or planned to allow access to the immediate neighborhood. This site qualifies for commercial development according to current policy and plans.

At the March 7, 2002 MAPC hearing, no one spoke in opposition to this request and the MAPC voted to approve the vacation 12-0, subject to platting within a year. No one has submitted written protest in opposition to the zoning change.

Motion --

Knight moved that reviewed the record of hearing before the MAPC and in accordance with Policy No. 10 of the MAPC previously adopted by this Board, and having reviewed the factors contained therein and the factors stated by the MAPC, the recommendation of the MAPC be approved, subject to platting within a year; and the Ordinance be forwarded for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

ZON2002-00007

ZON2002-00007 – EXPANSION OF THE OLD TOWN OVERLAY DISTRICT TO CREATE A THEATER SUB-DISTRICT – BETWEEN SECOND AND THIRD STREETS, AND BETWEEN ROCK ISLAND AVENUE AND THE BNSF RAILROAD TRACKS. (District VI)

Agenda Report No. 02-1247

MAPC Recommendation: Approve. (12-0)

Staff Recommendation: Approve.

The applicants request expansion of the “OT-O” Old Town Overlay district onto the “LI” zoned application area for the purpose of creating a theater sub-district of the “OT-O”. If approved for the overlay district, the underlying zoning would remain “LI” Limited Industrial, but would become subject to the design, signage and parking requirements of the “OT-O” district, and would permit residential uses on this property which are not currently permitted by the underlying “LI” zoning.

This proposed theater sub-district of the “OT-O” is recommended to have some design and signage standards different than those of the remaining “OT-O” district; these differences would recognize the unique differences of all new construction for a “high-energy” entertainment district. An associated case, DR2002-00002, proposes amending the “OT-O” portion of the Unified Zoning Code, making the theater sub-district and it’s modified standards possible. These differences would include allowing a theatre marquee sign to be backlit, made of materials to include plastic, and larger than those signs permitted in the existing “OT-O” district. The theater sub-district would also allow flashing and moving signs, and use of synthetic stucco as an exterior building material when subordinate to brick or other more traditional building materials. The theater sub-district would retain the design review process required for the existing “OT-O” district, ensuring the desired character and quality of the district.

The 7 acre site is mostly vacant with a few industrial warehouse buildings. The application area does not possess the distinctive historic character of the existing “OT-O” to the south. The applicants intend to redevelop the entire site as a theater sub-district of the “OT-O” anchored by a six screen cinema. The development will vacate a portion of Moore Avenue, and will create a large public plaza between Moore and Meade. The plaza will include sculpture, a fountain, light features, and will be enclosed by new commercial buildings, structured parking, and the cinema marquee.

The Old Town Overlay District currently stops at 2nd Street, with the exception of a few “OT-O” “islands”. If approved, this request would push the “OT-O” district a full block north to 3rd Street. All nearby properties are zoned “LI” Limited Industrial and used for commercial and industrial type uses.

Motion --

Knight moved that the zone change be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2002-00007

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 327

DR2002-00002

DR2002-00002 – AMENDMENT OF UNIFIED ZONING CODE ARTICLE III.C.4 – THE OLD TOWN OVERLAY DISTRICT; AND ESTABLISH SPECIAL SUB -DISTRICTS WITH MODIFIED STANDARDS. (District VI)

Agenda Report No. 02-1248

MAPC Recommendation: Approve. (12-0)

Staff Recommendation: Approve.

Discussion: This directive is to amend the Unified Zoning Code Article III.C.4, the “OT-O” Old Town Overlay District. The purpose of the proposed amendment is to recognize special sub-districts of the “OT-O”, and to then make modifications to some of the standards in recognition of the special sub-districts’ unique distinctions from the remaining “OT-O” district. Referral report includes a delineated copy of Article III.C.4. The delineated copy presents proposed amendments as underlined, and proposed deletions are presented as lined through.

The purpose and intent of the proposed special sub-districts is to be consistent with the purpose and intent of the existing OT-O. The proposed sub-districts are a Theater sub-district (OT-O/TH) and a Northeast End parking sub-district (OT-O/NE); the delineated article fully explains the two sub-districts.

The intent of the Theater sub-district is to provide flexibility in building design, material, and signage standards; flexibility that recognizes all new construction within the Theater sub-district, and flexibility that recognizes the objective of a “high energy”, planned entertainment district. The intent of the Northeast End sub-district is to recognize limited parking circumstances. Buildings in this sub-district cover most of the lot area, with little land available for parking and no plans to develop public parking. The proposed sub-district therefore relaxes some parking standards in order to encourage redevelopment while preserving the existing buildings.

The Old Town Overlay District currently has its northern boundary at 2nd Street, with the exception of a few “OT-O” “islands”. If approved, this request would facilitate expansion of the “OT-O” onto properties between 2nd and 3rd Street, if and when property owners in this area apply for the Old Town Overlay. Many of these properties between 2nd and 3rd Street are under utilized and ripe for development. Likewise, many of these properties between 2nd and 3rd Streets are under unique conditions, which make them different than the existing “OT-O” to the south.

The proposed amendment also recommends several modifications to the “OT-O” text which would apply to all properties within the existing “OT-O”. These modifications include recognition that existing buildings within the “OT-O” are five and a half stories in height, and therefore proposes that new buildings or building additions be restricted to five and a half stories in height, as opposed to the current height restriction of four and a half stories or 50 feet. Other proposed modifications include the encouragement of preserving faded “ghost” signs on brick exteriors, as opposed to the current standards which encourage the repainting of “ghost” signs.

The City Council has approved a development agreement for shared improvements and shared costs in construction of a theater district for property potentially affected by the requested amendment. The City and developer have requested a zone change (ZON2002-00007) to expand the “OT-O” onto this property.

Property located on the east side of Mosley and north of 2nd Street received a zone change expanding the “OT-O” onto that site in October of 2001; that site was placed under a Protective Overlay (PO# 103) dealing with special parking conditions. The requested amendment would make PO# 103 no longer necessary; if the requested amendment is approved, PO# 103 could then be removed at some future point in time.

The proposed amendments to the “OT-O” section of the Unified Zoning Code would facilitate the development of properties north of the existing Old Town, with the benefits and character of the

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 328

existing Old Town, and yet recognize unique circumstances associated with these properties and proposed developments. Staff finds that this request is in conformance with the adopted Development Plan for Downtown Wichita.

The proposed amendment has been reviewed and approved by the City Law Department. MAPC heard this request at their regularly scheduled meeting on March 7th, 2002. No members of the public chose to speak on the zone change request. MAPC approved the request a vote of 12-0.

Motion --
-- carried

Knight moved that the amendment to the Unified Zoning Code be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance providing amendments to Section III-C.4 of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition) as adopted by reference in City of Wichita Code Section 28.04.010 by Ordinance No. 44-975, dealing with parking and physical design within the Old Town Overlay District, introduced and under the rules laid over. (DR2002-00002)

A2-05

A2-05 – ANNEX LAND GENERALLY LOCATED AT INTERSECTION OF HARRY AND 159 STREET EAST. (District II)

Agenda Report 02-1249

The City Water and Sewer Department has made a request to annex approximately 150 acres situated at the intersection of Harry and 159th Street East. The property is owned by the City of Wichita, is the site of the Four-mile Creek Sewage Treatment Facility, and is adjacent to the City of Wichita on the north and west. Butler County lies to the east of the proposed annexation site.

Land Use and Zoning: The annexation site is presently used as a sewage treatment facility and is zoned “SF-20” Single Family Residential. Land to the west, north, and south is primarily residential. Land north of the proposed annexation site is zoned “SF-20” Single Family Residential, while land west and south is zoned “SF-5” Single Family Residential. Upon annexation, the “SF-20” Single Family Residential zoning of the subject property will convert automatically to “SF-5” Single Family Residential.

Public Services: The City Public Works Department indicates that the property proposed for annexation is connected to the water and sewer system. In addition, the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) proposes a 16” water line to be extended along 159th Street east from Kellogg to Harry in 2009.

Street System: The property proposed for annexation will have access to Harry (2-lane arterial), which serves the area as the nearest major east-west road, and 159th Street East (2-lane arterial), which serves the area as the nearest north-south road. There are no plans to further improve these sections of road in either the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.) or the 2002-2006 Sedgwick County Capital Improvement Program (C.I.P.).

Public Safety: Fire services to this site can be provided within a nine (9) to eleven (11) minute approximate response time from County Station #38 located at 1010 N 143rd Street East. However, the City Fire Department indicates that a new fire station will be completed near 127th Street East and Kellogg, which would provide a shorter response time in the future. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: W.B. Harrison Park, a 40-acre park, is located approximately 4 miles west of the proposed annexation site.

School District: The property is located in Unified School District 259 (Wichita Public Schools). Annexation will not change the school district.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 329

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The approximate assessed value of the property proposed for annexation is \$24,151. Assuming the current City levy remains about the same, this would roughly yield \$758 in City annual tax revenues. However, because the City owns the property, it will be exempt from property taxes.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A 02-05

DR2000-00018

DR2000-00018 – OAKLAWN/SUNVIEW NEIGHBORHOOD REVITALIZATION PLAN.

Agenda Report No. 02-1250

The Oaklawn/Sunview neighborhood was originally established to house defense workers and their families, totaling some 4,000 to 4,500 people. The houses were built during the Korean War when the employee total at Boeing reached a peak and there was allegedly a housing shortage in Wichita. The Defense Production Administration declared Wichita a critical area and emergency defense housing was authorized.

The boundaries of the Neighborhood Revitalization Plan area are: MacArthur Road on the north; K-15 on the east to 47th Street, then east on 47th Street to Oliver; Oliver on the east from 47th Street to approximately ¼ mile south of 63rd Street; west along the "line" approximately ¼ mile south of 63rd Street to the Arkansas River; then north along the Arkansas River to MacArthur. The map below graphically depicts the planning area.

In late 1999, Sedgwick County, the Oaklawn Improvement District and Community Housing Services recognized that the Oaklawn/Sunview Neighborhood was in need of a planning study to develop strategies for the revitalization of the area. Many independent initiatives had been taken over the past several years by various interested groups, particularly the Oakview Neighborhood Association, to improve the area. However, none of the initiatives comprehensively addressed the needs of the area and brought the full breadth of stakeholders into the planning process to achieve the desired results. Utilizing monies from Sedgwick County, the Oaklawn Improvement District and Community Housing Services, consulting proposals were solicited by the County to develop a Neighborhood Revitalization Plan in early 2000, and Dave Yearout from Austin Miller and Beth King from King MERJ Public Relations were selected to develop the Plan.

An initial list of stakeholders was created with staff for use in development of the Oaklawn/Sunview Steering Committee. The list included representatives from the Oakview Neighborhood Association, the Oaklawn Improvement District, Community Housing Services, the Derby Recreation Commission, the Sedgwick County Sheriff's Department Community Policing Section, rental property owners, residents, and business owners.

News articles about the planning process and the initial meeting in June of 2000 appeared in the Wichita Business Journal and the Wichita Eagle, both of which listed consultant contact information and invited reader response and involvement. Most discussions focused on issues and concerns within the Oaklawn and Sunview neighborhoods only. As a result, many of the initiatives are aimed at those needs.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 330

An initial meeting with the stakeholder group was conducted in June of 2000 at the Oaklawn Community Center, 2937 E. Oaklawn (all stakeholder meetings were conducted at this location). At the initial meeting, consultants discussed the project scope and anticipated plan objectives and plan content. Maps of the planning area were available for review. Through a series of meetings, the Steering Committee identified, merged, and prioritized residents' and property owners' major issues of concern for the planning area and developed goal and strategy definition.

The Oaklawn/Sunview Neighborhood Revitalization Plan, as an extension of the Comprehensive Plan, contains detailed proposals designed to stimulate development and to improve the quality of life in the neighborhood. The plan has been developed in a manner that addresses the needs and desires of neighborhood stakeholders, who have worked in a collaborative process with the Oaklawn Improvement District and Sedgwick County on the formulation of this plan, and is consistent with the Comprehensive Plan.

The plan is based upon objectives that address physical, social, and economic concerns such as:

- Creation of "The Partnership"
- The establishment of Oaklawn/Sunview Zoning Overlay District
- Development and enforcement of minimum standards (nuisance abatement)
- Condemnation and removal of properties declared unsafe
- Improving the community image and sense of community pride
- Improving educational opportunities

Once the plan is adopted, implementation actions such as creation of "The Partnership" and establishment of the Oaklawn/Sunview Zoning Overlay District can be undertaken through the continued collaboration of various neighborhood interests, the Improvement Districts and the County. Adoption of this plan will demonstrate support for actions that the Oaklawn Improvement District, Community Housing Services, and the Derby Recreation Commission have already taken to improve the neighborhood.

The plan requires formal adoption in order to:

- Demonstrate to investors and developers a practical and feasible plan for the revitalization of the neighborhood, as prepared by a qualified consulting firm.
- Demonstrate that the major stakeholders in the neighborhood, the Oaklawn and Sunview Improvement Districts, and the Board of County Commissioners are committed to revitalization objectives contained in the plan.
- Present documentation of local plan acceptance to support the submission of funding applications to charitable and private foundations, private corporations, individuals, and the U.S. Department of Housing and Urban Development.
- Demonstrate to neighborhood stakeholders, including neighborhood residents, that their needs and desires, which are reflected in the plan, are objectives consistent with the Comprehensive Plan.

Because this neighborhood lies outside the corporate limits of Wichita, there are no financial implications for the City of Wichita. While the act of adoption itself commits no funding from the Improvement Districts, Townships or the County, there are a number of projects contained in the current County C.I.P. that lie within the neighborhood's boundaries, such storm water improvement projects. In addition, the plan proposes a number of physical improvements throughout the neighborhood at a total cost of approximately \$10 million.

Policy Considerations: The Oaklawn/Sunview Neighborhood Revitalization Plan is consistent with the Wichita-Sedgwick County Comprehensive Plan in that it:

- 1) Encourages the redevelopment of older neighborhood areas.
- 2) Proposes growth and development in areas with existing public facilities in a manner that is compact and contiguous.
- 3) Provides for the development of park and recreation space as a link between various points in the neighborhood and the Arkansas River corridor.
- 4) Makes use of public and private partnerships.
- 5) Has community support and involvement.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 331

Pursuant to the authority granted by the statutes of the State of Kansas, in K.S.A. 12-747 et seq., the Wichita-Sedgwick County Metropolitan Area Planning Commission developed a Comprehensive Plan, adopted by the City of Wichita and Sedgwick in 1993, and amended in 1996, 2000 and 2001; and the Comprehensive Plan may be amended, as needed, to ensure it reflects timely and relevant information and the needs of the community.

The Metropolitan Area Planning Commission, in accordance with Kansas state statutes, held a public hearing for the plan on February 21, 2002, with the required notice of public hearing published in the official County newspaper. The staff report presented at the MAPC meeting indicated that the proposed neighborhood revitalization plan was consistent with the Comprehensive Plan. The MAPC approved the plan as an amendment to the Comprehensive Plan by a unanimous vote (12-0). In addition, the plan was presented to the Oaklawn Improvement District on February 6, 2002. They voted unanimously (3-0) to accept the final draft of the plan.

Motion --

Knight moved that the Oaklawn/Sunview Neighborhood Revitalization Plan be adopted as an amendment to the Wichita-Sedgwick County Comprehensive Plan; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance adopting the Oaklawn/Sunview Neighborhood Revitalization Plan as an Amendment to the Wichita-Sedgwick County Comprehensive Plan, introduced and under the rules laid over.
DR2000-00018

AIRPORT AGENDA

AIRPORT

CONSENT TO ASSIGNMENT – CONTINENTAL EXPRESS (EXPRESSJET) TO NEW EXPRESSJET AIRLINES, INC.

Agenda Report No. 02-1251

In connection with a proposed initial public offering, ExpressJet Airlines, Inc., a Delaware corporation doing business as Continental Express ("ExpressJet"), will transfer all or substantially all of its assets to New ExpressJet Airlines, Inc., a Delaware corporation that will immediately thereafter conduct business as Continental Express ("New ExpressJet"), a new subsidiary of ExpressJet, which will assume 100% of the operations of ExpressJet.

Upon transfer of all of ExpressJet's assets to New ExpressJet, New ExpressJet will step into ExpressJet's shoes, for all purposes, and no change in operations will be detectable by passengers. New ExpressJet, as the successor to the business of ExpressJet, will assume all of the obligations and liabilities of ExpressJet under the agreements. The effective date of this transfer is approximately April 15, 2002.

Motion --

Knight moved that the Consent to Assignment be approved and the necessary signatures be authorized
Motion carried 7 to 0.

-- carried

AIRPORT

GROUND MAINTENANCE SERVICES SELECTION OF VENDOR.

Agenda Report 02-1252

Sealed Requests for Proposals were accepted in the office of the City Purchasing Manager for the provision of ground maintenance services at Wichita Mid-Continent Airport. Fifteen contractors attended a pre-proposal conference on March 11, 2002, and eight of these contractors submitted proposals for this work.

CITY COUNCIL PROCEEDINGS

JOURNAL 175

APRIL 2, 2002

PAGE 332

A selection committee composed of three individuals reviewed the proposals. Each proposal was evaluated on the basis of qualifications, experience, available equipment, and costs. Based on this criteria, Evergreen Lawn and Landscape was selected to provide these services.

The proposal submitted by Evergreen Lawn and Landscape is \$22,851. Funds for this service are included within the airport budget.

Motion --
-- carried

Knight moved that the Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ADJOURNMENT

The City Council meeting adjourned at 11:18 a.m.

Pat Burnett CMC
City Clerk